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# ASHBURTON DISTRICT COUNCIL BYLAWS

## CHAPTER 5 - CONSTRUCTION DEMOLITION AND MAINTENANCE OF BUILDINGS AND SITE WORKS

### SCOPE

The purpose of this chapter is to provide rules for the protection of the public and public facilities, by ensuring that adequate safety provisions are made during demolition, construction, renovation and maintenance of buildings and site works and to also avoid the creation of any nuisance to the public during the demolition, construction, renovation and maintenance of buildings and site works.

This part of the bylaw is to be read in conjunction with the requirements of the Building Act 2004, Resource Management Act 1991 and Health and Safety in Employment Act together with any amendments or re-enactments of the same and regulations and rules issued thereunder.

### AUTHORITY REQUIRED FOR SCAFFOLDING AND DEPOSIT OF MATERIALS

**501** No person shall, without first obtaining permission of Council.

- (a) Erect or cause to be erected any scaffold, gantry, hoarding, or barricade on or over any public place or any part thereof; or
- (b) Deposit any building material or building rubbish on, or make or maintain a hole or excavation in, or disturb the surface of any public place or any part thereof; or
- (c) Prepare building materials on any public place or part thereof; or
- (d) Access any site for the purposes of demolition, construction, maintenance or major site works and shall in all such instances make adequate provision for the protection of footpaths and roads from any damage. Notwithstanding the provisions of clause 507.2, should Council decree that the nature of the consent is such that risk of damage to public assets is sufficiently high, then Council may ask for a bond or surety to be arranged and held to cover any potential repair costs.

**501.1** All work shall be carried out strictly in accordance with the provision of the Building Act 2004, its amendments or re-enactments thereof.

### SHUTTING OFF FENCE OR HOARDING

**502** No person shall erect or demolish any building, or alter, add to, repair, plaster, paint or clean the walls, roofs, or other external part of any place or the footway thereof unless they shall have erected a fence, or hoarding so as to shut off and render safe any such works to passing traffic and pedestrians or otherwise shall have first obtained the written permission of the Council to dispense with such fencing or hoarding.

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**WORKS REQUIRED TO BE CARRIED OUT FOR PROTECTION OF THE PUBLIC**

- 503** Where any work is carried out on or adjacent to roads, footpaths or other areas where members of the public have legitimate access, then the applicant shall submit to Council a Traffic Management Plan conforming to the requirements of the Transit New Zealand “Code of Practice for Temporary Traffic Management” (CoPTTM). No work shall be undertaken on the site of works until the Plan is approved by duly accredited Council staff or other officially delegated authority, and all requirements of the approved plan are in place.
- 503.1** Where in the opinion of the Council it is necessary, any person proposing to erect any scaffolding shall, before commencing the erection of the scaffolding, construct a roof over the public footpath so as to allow pedestrians to safely pass beneath it. Such roof shall be substantially constructed to the approval of a Council Officer, and so constructed as to prevent tools, dust, rubbish, materials, or water falling upon the pedestrians, vehicular traffic or adjoining properties and the applicant receiving the consent of the Council Officer to erect such scaffolding shall keep and maintain the public way beneath it both clean and safe.
- 503.2** Where a roof is not required over the footpath, the lower stage of the scaffold shall be covered to extend to a line with the outside edge of the footpath.
- 503.3** All public footpaths under any scaffold shall be kept clean and clear at all times.
- 503.4** Where required by the Council a boarded platform not less than 1m wide shall be constructed outside the scaffold.
- 503.5** In all cases where street channels are covered over, the person to whom permission has been given shall prevent any obstruction or contamination of such channels during the currency of the permit.

**HOARDINGS, ETC, TO BE LIGHTED**

- 504** All scaffolds and hoardings shall be well and sufficiently lighted to the satisfaction of the Council.

**FIRE HYDRANTS AND UNDERGROUND SERVICES**

- 505** All fire hydrants shall be left unenclosed in such manner as will enable the hydrant to be easily accessed.
- 505.1** Access shall be provided to all underground services within the enclosed street area at all times.

**STREET LIGHTS**

- 506** Street lights or other lighting or illumination of public areas shall not be altered without the permission of the Council.

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## OFFENCES

- 507** Any person who commences any demolition, construction or other site works as described in this part of the bylaw without first obtaining all necessary Council permissions and permits or having obtained the same shall fail to comply in all respects with the conditions of such permission or permit and the provision of this part of the bylaw. Any person upon the expiry of the time specified in such permit or permission or any renewal thereof who fails to leave a footway, road or any other public place any or part thereof in the same condition as prior to the commencement of the works shall be guilty of an offence against this part of the bylaw.
- 507.1** Where any person causes damage to footpaths, roadways and the like or creates conditions likely to be dangerous to traffic or pedestrians, or causes undue hardship for neighbours and the public, Council may by notice take such action as is considered necessary, or in any particular case to mitigate, clean up or otherwise stop such work until the matter is resolved.
- 507.2** All costs and expenses incurred as a result of action undertaken pursuant to the foregoing sub clause shall be a charge against and immediately payable upon demand by the registered proprietors of the land on or from which the danger or nuisance is being or was created.

## RESPONSIBILITY FOR ACCIDENTS NOT AFFECTED

- 508** The granting of such permission as aforesaid shall not relieve the grantee from any responsibility for accident or injury to persons or property, caused or contributed to by the works as consented to.

## GUARDING AGAINST INJURY TO TRAFFIC

- 509** Every person erecting, adding to, altering, repairing, plastering, painting, cleaning, or demolishing any building shall, during the operations or works use all precautions for guarding against injury to persons using or passing along any street or public place as may be necessary or as may be directed by the Council or, in the case of State Highways, Transit New Zealand.

## DISPOSAL OF WASTE

- 510** Any person engaged in demolition, construction or any site works shall ensure that the provisions of these bylaws upon the disposal of trade waste are adhered to.