



# Ashburton District Council

## AGENDA

A **MEETING** of the **ENVIRONMENTAL SERVICES COMMITTEE** will be held as follows:

**Date:** Thursday 17 November 2011

**Time:** 1.30 pm

**Venue:** Council Chamber  
5 Baring Square West  
Ashburton

B LESTER  
Chief Executive

### **MEMBERS:**

Cr R J Kilworth (Chair)  
Cr L J Leadley (Deputy Chair)  
Cr I J Burgess  
Cr D G McLeod  
Cr P W Reveley  
Cr J Sparks  
Cr A B Totty  
Cr R S Wilson  
Mayor A R McKay (ex officio)

# AGENDA

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10 November 2011

## Ashburton District Council Report

File No 6/4/10  
Date 17 November 2011  
Report to Environmental Services Committee  
From Building Services Manager  
Subject Review of the Dangerous, Earthquake Prone and Insanitary Buildings Policy

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### 5 Review of the Ashburton District Council Dangerous, Earthquake Prone and Insanitary Buildings Policy

#### 5.1 Summary

The Ashburton District Council adopted its current Dangerous, Earthquake-prone and Insanitary Buildings Policy on 29 June 2006, in accordance with Section 131 of the Building Act 2004. The Act requires that the Territorial Authority review the policy within five years of adoption, and then at intervals of not more than five years. This document constitutes the first review of Ashburton District Council's Dangerous, Earthquake-prone and Insanitary Buildings Policy. ***Copy included***

#### 5.2 Recommendation

- 1 **That** the Committee adopts the draft revised Dangerous, Earthquake Prone and Insanitary Buildings Policy (the Draft Revised Policy).
- 2 **That** the draft amended policy and summary of information be made available for public inspection at the Council Offices, the District Library and on the Council's website.
- 3 **That** public notice of the proposal be provided in the District Diary, the Council Noticeboard of the Ashburton Guardian and on the Council website.
- 4 **That** the draft revised policy be sent to all owners of buildings identified in the desk top review of potentially earthquake-prone buildings.
- 5 **That** the period within which written submissions on the draft amended policy may be made to the Council be between 1 December 2011 and 1 February 2012.
- 6 **That** a Hearings Panel be appointed by the Chairperson of the Environmental Services Committee to consider submissions on the draft amended policy and to report to Council with its recommendations on the draft amended policy.

#### 5.3 Background

##### **Dangerous or Insanitary Buildings**

All buildings, at the time of construction are required to meet the safety and sanitary requirements of that era. With time, a building can become dangerous and/or insanitary. While an event such as a major fire may change the status of a building, these changes are usually the result of changing safety and sanitation requirements, neglect, unauthorised building alterations or unauthorised change in use.

## **Earthquake Prone Buildings**

Prior to the 1931 Hawke's Bay earthquake there was no building code in New Zealand. Since that time there have been six codes that have progressively increased the structural performance criteria for buildings.

All codes require the minimum life expectancy of a building to be 50 years. The 1991 Building Act and the 2004 Building Act have included provisions that describe an 'earthquake-prone' building. The 2004 Act has increased the minimum structural performance criteria that must be met by existing buildings.

The Ashburton District's primary earthquake concern has been the Alpine Fault, with some parts of the district located immediately adjacent to the fault. There are also at least 14 faults within the district that are considered "active" by GNS.

On 4 September 2010, the Ashburton District felt a 7.1 magnitude earthquake originating from the Greendale fault. This was a previously unknown fault located near Darfield, approximately 53 km from Ashburton. The effects of this fault rupture caused varying degrees of damage throughout the district.

On 22 February 2011, the district was struck by a 6.3 magnitude earthquake, centred in the Heathcote Valley near Lyttleton, about 83 km from Ashburton. This event also caused damage in the district.

The seismic activity of 2010 and 2011 has revealed a number of issues with historic construction methods used for structures throughout the district. In particular, buildings constructed with unreinforced masonry have been vulnerable to the seismic events. The combination of historic materials and building methods and lack of maintenance over time, contributed to damage and some demolitions after the earthquakes.

## **5.4 Options & Risks Considered**

### **Option 1**

Adopt the draft revised policy and set 5, 10 and 20 year timeframes for the strengthening of identified earthquake-prone buildings based on importance levels.

In addition to the desktop review, assessments will also be required at other times to provide for the improvement of the building stock within the district. These assessments will occur over time in the following circumstances:

1. When a building consent application is received; or
2. When a "change the use" occurs; or
3. When complaints or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment.

#### *Benefits/Advantages*

- Reduced risk to human life and property
- Avoidance of significant damage to buildings.
- Enables building owners to programme improvements over time.

#### *Costs/Disadvantages*

Maintenance and strengthening costs for earthquake- prone dangerous and insanitary buildings.

### **Option 2**

Retain the current policy as the status quo. The current version is a more passive approach that allows for a single timeframe for upgrading of 15 years to remove the earthquake prone status of a building.

The acceptance of Option 2 would involve investigations when:

1. When a building consent application is received;
2. When a "change the use" occurs; or
3. When complaints or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment.

The triggers of when the policy would be implemented are not clear in the Policy in its current form.

#### Benefits/Advantages

- Less maintenance and strengthening costs for earthquake-prone dangerous and insanitary buildings.

#### Costs/Disadvantages

- Increased risk to human life and property.
- Owners not able to programme improvements over time.

### **Option 1 is the recommended option**

## **5.5 Statutory Implications**

This review is in compliance with the Building Act 2004 Section 131.

## **5.6 Consultation**

It is proposed to use the Special Consultative Procedure under the Local Government Act 2002 when consulting on the Draft Amended Policy.

A copy of the draft amended policy and the summary of information will be sent to the Historic Places Trust.

Copies of the draft revised policy will be made available to the public. Owners of buildings that are suspected of possibly being earthquake-prone will be forwarded a copy of the policy.

## **5.7 Strategic Links**

Ashburton District Council has noted that provisions of the Building Act 2004 in regard to dangerous, earthquake-prone and insanitary buildings reflect the government's broader concern with the health and safety of the public in buildings and, more particularly, the need to address human safety in the event of an earthquake.

Ashburton District Council is committed to ensuring that the Ashburton district is a safe and healthy place to live and work while also ensuring that the district continues to develop and thrive. This policy supports the following outcomes from the Ashburton District Long Term Council Community Plan 2009-19:

Outcome 2: Sustainable natural and built environments

Outcome 3: An enjoyable place to live

Outcome 4: A safe and healthy community

## **5.8 Financial**

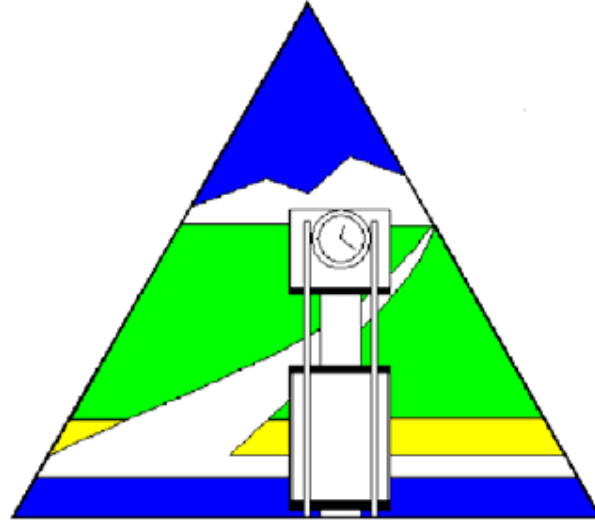
Implementation of the draft revised policy is a benefit shared by the community overall and is to be funded from the portion of the Building Services budget funded from rates input.

Prepared By:

M FIELDS  
**Building Services Manager**

Approved by:

J McKENZIE  
**Environmental Services Manager**



# DANGEROUS, EARTHQUAKE PRONE AND INSANITARY BUILDINGS POLICY

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## 1. Introduction and Background

### 1.1 Introduction

The Ashburton District Council adopted its current Dangerous, Earthquake-prone and Insanitary Buildings Policy on 29 June 2006, in accordance with Section 131 of the Building Act, 2004. The Act requires that the Territorial Authority review the policy within five years of adoption, and then at intervals of not more than 5 years. This document constitutes the first review of Ashburton District Council's Dangerous, Earthquake-prone and Insanitary Buildings Policy.

As per requirements of the Act, this policy states:

- The approach that the Ashburton District Council will take in performing its functions under the Building Act 2004;
- Ashburton District Council's priorities in performing those functions;
- How the policy will apply to heritage buildings.

In developing and adopting the Dangerous, Earthquake-prone and Insanitary Buildings Policy, Ashburton District Council will undertake a special consultative procedure as per section 83 of the Local Government Act 2002.

This Policy consists of three separate Sections incorporating policies for Dangerous buildings, Insanitary buildings and Earthquake Prone buildings. Each type of building is defined within the Building Act 2004 by Sections 121-123 with powers of the Territorial Authority relating to these buildings set out in Sections 124-130.

### 1.2 Background

#### Dangerous or Insanitary Buildings

All buildings, at the time of construction are required to meet the safety and sanitary requirements of that era. With time, a building can become dangerous and/or insanitary. While an event such as a major fire may change the status of a building, these changes are usually the result of changing safety and sanitation requirements, neglect, unauthorised building alterations or unauthorised change in use.

#### Earthquake Prone Buildings

Prior to the 1931 Hawke's Bay earthquake there was no building code in New Zealand. Since that time there have been six codes that have progressively increased the structural performance criteria for buildings. All codes require the minimum life expectancy of a building to be 50 years. The 1991 Building Act and the 2004 Building Act have included provisions that describe an 'earthquake-prone' building. The 2004 Act has increased the minimum structural performance criteria that must be met by existing buildings.

The Ashburton District's primary earthquake concern has been the Alpine Fault, with some parts of the district located immediately adjacent to the fault. There are also at least 14 faults within the district that are considered "active" by GNS.<sup>1</sup>

Throughout the Ashburton District there are a number of heritage and historic buildings which are a vital part of the District's cultural identity. These buildings will be categorised and assessed in the same manner as all other buildings in the District and will be subject to the same time-frames.

## 2. Building Act Principles

Section 4 of the Building Act provides the principles that must be considered by the Ashburton District Council when adopting this policy. The relevant sub clauses of the Act are as follows.

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<sup>1</sup> Reference:- "Probability & Consequences of the Next Alpine Fault Earthquake – Geotech Consulting Ltd".

(2) “In achieving the purpose of this Act, a person to whom this section applies must take into account the following principles that are relevant to the performance of functions or duties imposed, or the exercise of powers conferred, on that person by this Act:

- a) when dealing with any matter relating to 1 or more household units
    - (i) the role that household units play in the lives of the people who use them, and the importance of
      - A) the building code as it relates to household units; and
      - B) the need to ensure that household units comply with the building code:
    - (ii) the need to ensure that maintenance requirements of household units are reasonable:
    - (iii) the desirability of ensuring that owners of household units are aware of the maintenance requirements of their household units:
  - b) the need to ensure that any harmful effect on human health resulting from the use of particular building methods or products or of a particular building design, or from building work, is prevented or minimised
  - c) the importance of ensuring that each building is durable for its intended use
  - d) the importance of recognising any special traditional and cultural aspects of the intended use of a building:
  - e) the costs of a building (including maintenance) over the whole of its life:
  - f) the importance of standards of building design and construction in achieving compliance with the building code:
  - g) the importance of allowing for continuing innovation in methods of building design and construction:
  - h) the reasonable expectations of a person who is authorised by law to enter a building to undertake rescue operations or fire fighting to be protected from injury or illness when doing so:
  - i) the need to provide protection to limit the extent and effects of the spread of fire, particularly with regard to —
    - (i) household units (whether on the same land or on other property); and
    - (ii) other property:
  - j) the need to provide for the protection of other property from physical damage resulting from the construction, use, and demolition of a building:
  - k) (not applicable)
  - l) the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value
- (Clauses m-p are not applicable)

### 3. Definitions of Buildings Covered by this Policy

The definitions of dangerous, earthquake-prone and insanitary buildings are as per Sections 121-123 of the Building Act 2004. These definitions are as follows.

#### Section 121 Meaning of dangerous building

“A building is dangerous for the purposes of this Act if –

- a) In the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause –
  - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
  - (ii) damage to other property; or
- b) In the event of fire, injury or death to any person in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.”

#### Section 122 Meaning of earthquake-prone building

(1) “A building is earthquake prone for the purposes of this Act if, having regard to its condition and the ground on which it is built, and because of its construction, the building –

- (a) will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and
- (b) would be likely to collapse causing –
  - (i) injury or death to persons in the building or to persons on any other property; or
  - (ii) damage to any other property.

(2) Subsection (1) does not apply to a building that is “used wholly or mainly for residential purposes” unless the building –

- (a) comprises 2 or more storeys; and
- (b) contains 3 or more household units.”

#### Section 123 Meaning of insanitary building

“A building is insanitary for the purposes of this Act if the building –

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

#### Definition of Moderate Earthquake

The definition of moderate earthquake is as per the Building Specified Systems, Change the Use, and Earthquake-prone Buildings Regulations 2005 which states;

“... 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 the site.”

## 4. Overall Approach

### 4.1 Policy Principles

Ashburton District Council has noted that provisions of the Building Act 2004 in regard to dangerous, earthquake-prone and insanitary buildings reflect the government's broader concern with the health and safety of the public in buildings and, more particularly, the need to address human safety in the event of an earthquake.

Ashburton District Council is committed to ensuring that the Ashburton District is a safe and healthy place to live and work while also ensuring that the District continues to develop and thrive. This policy supports the following outcomes from the Ashburton District Long Term Council Community Plan 2009-19:

• Outcome 2: - Sustainable natural and built environments
• Outcome 3: - An enjoyable place to live
• Outcome 4: - A safe and healthy community

This policy will be further developed and finalised after a process of consultation with the Ashburton District community, as per Section 83 of the Local Government Act 2002. This process will invite the community to submit to the draft policy, and provide the opportunity for submissions to be heard, before Council deliberates and then adopts a revised policy.

### 4.2 District Characteristics

The built environment of the Ashburton District has developed over the last 150 years. European settlement has largely been based around the successful agricultural economy of the district. Construction of buildings has been according to the standards and styles of the period.

Local buildings comprise a range of types and ages with construction techniques ranging from wood and unreinforced masonry buildings to a small number of modern steel and concrete buildings. Most buildings are only one or two-storeys.

Ashburton District is in high to moderate seismic activity zone, with the Alpine Fault bordering the district. However, due to the mountainous terrain, there is low building density near the Main Divide. Most buildings in the highest-risk areas of the district are farm buildings or recreational huts.

As the topography becomes more suited to farming and settlement, small settlements such as Mt Somers and Methven occur within a band of higher risk / shaking intensity. It is estimated that a movement in the Alpine Fault could produce shaking intensities in the region of 8 on the Mercalli Scale in such locations. The eastern part of the district is separated by distance from the Alpine Fault and it is estimated that a movement in the Alpine Fault could produce shaking intensities in the region of 7 on the Mercalli Scale in the Ashburton District.<sup>2</sup>

On 4 September, 2010 the Ashburton District felt a 7.1 magnitude earthquake originating from the Greendale fault. This was a previously unknown fault located near Darfield, approximately 53 km from Ashburton. The effects of this fault rupture caused varying degrees of damage throughout the district.

On 22 February 2011 the district was struck by a 6.3 magnitude earthquake, centred in the Heathcote Valley near Lyttleton, about 83 km from Ashburton. This event also caused damage in the district.

The seismic activity of 2010 and 2011 has revealed a number of issues with historic construction methods used for structures throughout the district. In particular, buildings constructed with unreinforced masonry have been vulnerable to the seismic events. The combination of historic materials and building methods and lack of maintenance over time, contributed to damage and some demolitions after the earthquakes.

**Dangerous & Insanitary Buildings are addressed in this first part of the Policy, while Earthquake-prone buildings are addressed in the second part.**

## 5.0 Dangerous and Insanitary Buildings

### 5.1 Overall Approach

The Ashburton District Council is committed to ensuring that Ashburton District is a safe and healthy place to live. The Building Act 2004 provides the statutory means to ensure that buildings that become dangerous or insanitary are improved to meet the Building Code standards, and the Council wishes to administer the Building Act in a fair and reasonable way.

Conversions of existing buildings, lack of maintenance, lack of appropriate facilities, overcrowding and un-consented alterations can cause serious health and safety problems.

The failure to obtain a building consent or the use of buildings for unauthorised purposes can pose a danger to the occupants as well as users. Dangers may include danger of collapse, inadequate fire protection or means of escape.

Dangerous and insanitary buildings will be dealt with in much the same way as the Council already deals with those buildings—by responding to complaints received from the public and advice received from the New Zealand Fire Service.

The Council is actively involved in educating the public on Building Act matters with a view to encourage owners to obtain building consent where necessary. The Council treats building safety as a serious matter; buildings must be safe for their intended use and for occupiers.

### 5.2 Identifying Dangerous or Insanitary Buildings

The Council will identify potentially dangerous or insanitary buildings based on:

1. Complaints from members of the public.
2. Advice received from Council staff.
3. Complaints or advice from other agencies (e.g. local health providers, NZ Police, NZ Fire Service, tradespersons etc).

When a building is identified by these means the Council will investigate and assess the condition of the building to determine whether it is dangerous or insanitary in terms of sections 121 and 123 of the Building Act 2004.

### 5.3 Assessment/Prioritisation Criteria

The Council will endeavour to assess potentially dangerous or insanitary buildings in accordance with s121 (1) or s123 of the Act within five working days. Where the Council is satisfied a building is dangerous or insanitary it will also assess the level of risk to public health or safety that is presented.

The Council will give priority to buildings that have been determined to present such a high level of risk as to warrant immediate action to remove the risk to the users of the building and members of the public.

Options for immediate action include:

- Prohibiting any person from occupying or using the building;
- If necessary, erecting barriers and warning signs, plus securing the building to prevent entry until such time as remedial action can be taken;
- Undertaking remedial action under s129 of the Building Act. Note that, in the case of insanitary buildings, the Council reserves the right to use its powers available under s34 of the Health Act, 1956.

Where the Council undertakes remedial action under either s129 of the Building Act or s34 of the Health Act, all costs will be recoverable from the building owner(s) as provided for in the relevant legislation.

Buildings that are determined to present a serious risk which is not immediate will be subject to the minimum timeframes for reduction or removal of the danger (being not less than 10 days) as set out in s124(1) (c) of the Act.

In addition to remedial action, the Building Act 2004 also empowers the Council to prosecute building owners and the exercise of this power may also be considered at times by the Council.

#### 5.4 Investigation and Enforcement Process - Dangerous or Insanitary Buildings

The Council will endeavour to:

1. Respond to and investigate all building complaints received within five working days.
2. Identify from these investigations any buildings that are dangerous or insanitary.
3. Assess the level of risk presented by the building and, if required, take immediate action.
4. Inform the owner and occupier of the building to take action to reduce or remove the danger or insanitary condition, as required by s124 and s125 of the Act.
5. Liaise with the New Zealand Fire Service when Council deems it appropriate, in accordance with s121 (2) of the Act.

*"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."*
6. Where the building is a heritage building listed in Council's District Plan, a Marae or building listed in the New Zealand Historic Places Register, the New Zealand Historic Places Trust shall also be advised and consulted.

If the building is found to be dangerous or insanitary but does not present an immediate risk the Council may:

7. Attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than 10 days, to reduce or remove the danger.
8. Give copies of that notice to the building owner, occupier and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places Trust, if the building is a registered heritage building and record this information on property records generally available to the public.
9. Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with.
10. Where the danger is the result of non-consented building work the owner will formally be requested to provide an explanation as to how the work occurred and who carried it out and under whose instructions.
11. Pursue enforcement action under the Building Act 2004 & Health Act 1956 and recover actual & reasonable costs.

All owners have the right to apply to the Department of Building and Housing for a determination under s 177(e) of the Act. However, a non-statutory objection process is also available. Owners can lodge a written objection with Council, to be heard and reviewed by a Hearing Panel of a minimum of 3 members to provide a quorum appointed by the Chairperson of the Environmental Services Committee Hearing Panel. Council reserves the right to recover the costs of this process from objectors & / or building owners.

### **5.5 Interaction between this Policy and Related Sections of the Act**

Section 41 (1) (C) of the Building Act 2004 provides for situations where, because of the urgency of work required, it is not practical to apply for a building consent before the work is undertaken. In these cases the application for a Certificate of Acceptance may be required.

In cases where a building is assessed as being immediately dangerous the Council may not require a building consent for urgent work. However, building owners must submit a written proposal to Council for agreement, before any work is undertaken.

### **5.6 Record Keeping**

Any buildings identified as dangerous or insanitary will have an information note placed on the Council's records for the property on which the building is situated until the dangerous or insanitary condition is remedied.

In addition, the information will be placed on any Land Information Memorandum (LIMs) and will be available for public release in accordance with the provisions of Local Government Official Information and Meetings Act 1987.

### **5.7 Economic Impact of Policy**

The intent of this policy is to protect the health and safety of people who use buildings. However, Council needs to be conscious of the costs of any work required to remove dangerous or insanitary conditions in the broader social and economic context of the community.

## 6.0 Earthquake-Prone Buildings Policy

### 6.1 Policy Approach

As the Ashburton District is an area of moderate to high seismic risk, Ashburton District Council encourages the strengthening of earthquake-prone buildings through the building consent process and when alterations are being considered.

In developing this policy, the Ashburton District Council must balance the need to protect public health and safety against the economic implications of requiring significant remedial building work and the community's desire to protect heritage structures and the heritage of Mid-Canterbury.

The Council recognises that this policy will mean additional costs for building owners, but notes the benefits of strengthening:

- Improved safety
- Greater resilience seismic activity
- Reduced earthquake recovery time, for individual businesses and the district's economy overall.

This Policy does not guarantee that when an earthquake occurs, buildings will not be destroyed or damaged, possibly causing injuries to people in or around the building. The Policy does aim to minimise some of the risk for, or arising from buildings to people in the event of an earthquake.

In some instances, property owners have acted on their own accord and have carried out strengthening work upon discovering structural weakness.

Some buildings have also been strengthened in accordance with the requirements of Section 46 of the Building Act 1991. Other buildings in the District may also have been strengthened at different points in time as seismic awareness increased.

In developing its approach to this policy, Ashburton District Council has considered:

- The economic impact of progressively strengthening building stock in anticipation of an earthquake that could damage the building stock.
- Economic impacts of NOT strengthening building stock and incurring the cost of repair / replacement at the same time as other infrastructure may require repair as the result of an earthquake.
- The level of risk to human life & safety which can be tolerated over both the short and long term if building strengthening is delayed.

In considering the key issues, the Council needs to achieve a balance between a number of conflicting issues and concerns:

- The safety of the public when an earthquake event occurs.
- The likelihood, severity and potential timing of a major earthquake & effects on different locations within the district.
- The economic impact on the District of a major earthquake.
- The relative age and condition of non-residential buildings within the District.
- The costs of undertaking a comprehensive review of potentially earthquake-prone buildings and the availability of funding for this work.
- The costs of planned and progressive strengthening of buildings versus the economic impact of catastrophic failures caused by an earthquake.
- The costs to building owners of undertaking various levels of strengthening work and the potential economic impact (including loss of businesses) to the District.
- The risk that buildings which are uneconomic to strengthen will be demolished and that the character of the built environment in Ashburton District will alter as a result.
- The potential loss of heritage buildings as the result of this process
- The need for statutory compliance by building owners and the Council.

Ashburton District Council's Earthquake-Prone Building Policy reflects Council's approach to reduce earthquake risk over time in a way that advances the interests of its ratepayers in terms of the key LTCCP well-beings;- economic, social, environmental and cultural.

## 6.2 Identifying Earthquake-Prone Buildings

The council will perform a desktop review of district's building stock to assess buildings that may be earthquake prone. This initial evaluation will utilise key factors for identification such as the year the building was first constructed and if any previous upgrades have taken place. If a building is assessed as being potentially earthquake prone the owner of the building will be contacted and required to engage a chartered professional engineer to complete an Initial Evaluation (IEP) as set out in the NZSEE Guidelines. Owners have 12 months to provide their evaluation to Council.

### Key Factors for Desktop Evaluation

1. Buildings constructed prior to 1976 that:
  - a. Have no records of any structural upgrades
  - b. Have had structural upgrades but no evaluation of seismic strength has been provided
  - c. Are identified as Level 3 or 4 buildings (refer to Table 1)

In addition to the desktop review, assessments will also be required at other times to provide for the improvement of the building stock within the district. These assessments will occur over time in the following circumstances:

1. When a Building Consent Application is received, or;
2. When a "Change the Use" occurs; or
3. When complaints or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment.

### 6.2.1 Building Consent Application

Upon receiving an application for building work a number of key factors shall be considered in determining whether a building is potentially earthquake prone.

Buildings that will not require further assessment include those that are:

1. Designed or strengthened to the 1976 NZS 4203 and subsequent codes, unless they have a critical structural weakness identified by a suitably qualified structural engineer;
2. Isolated structures unlikely to collapse causing injury or death to persons or damage to other property (refer section 122(1)(b) of the Building Act 2004);
3. Used wholly or mainly for residential purposes, unless the building comprises 2 or more storeys and contains 3 or more household units (refer section 122(2) of the Building Act 2004);

Buildings will require further assessment if:

1. The value of the proposed work is greater than 25% of the improved capital value of the building or 30% if the building is identified as historic or heritage by the District Plan or NZ Historic Places Trust Register. However, due to the potential level of risk, the Council may consider building work previously carried out.
2. If the total value of all Building works, consented or not, for the previous five years is valued at 25% or 30% for heritage/historic buildings of the improved capital value of the building.

Note: proposed building work shall not include any specified systems required for the building's compliance with the New Zealand Building Code.

Where an assessment of structural strength of the building, or relevant parts of the building, is received which indicates the building is earthquake prone, then a Building Consent will not be issued or progressed further, until the Council is satisfied that the building, or parts of the building subject to the Building Consent Application, will meet the minimum requirements of this policy and the Building Act 2004 for structural strength, or will do so upon completion of the proposed works. In some cases, where the Council is satisfied the building is earthquake-prone and after discussion with the building owner, it may issue the building consent (with any necessary waivers or modifications of the building code) and, at the same time, issue a notice or take other action under section 124 of the Building Act 2004.

## 6.2.2 Change of Use

All owners wishing to change the use of a building must advise the Council of their intentions in writing.

Section 115 of the Act requires that, an owner of a building must not change the use of the building unless the Council gives written notice that it is:

*“... satisfied, on reasonable grounds, that the building, in its new use, will –*

- i) *comply, as nearly as is reasonably practicable with every provision of the building code that relates to either or both of the following matters:  
(A) means of escape from fire, protection of other property, sanitary facilities, structural performance...”*

Where a building is to incorporate household units where there were none previously the building must be upgraded *"as nearly as is reasonably practicable"* to comply with *all* the building code requirements. This means that building owners are required to ensure that their building has the same strength as a NEW building, as far as this is reasonably practicable in the circumstances. As such this aspect cannot be subject to this policy with regard to providing for a lesser level of strength, or for objections to statutory requirements.

## 6.2.3 Complaints

Potentially earthquake-prone buildings may also be identified as the result of complaints about a specific building or following investigations into complaints about dangerous or insanitary buildings.

Complaints will be investigated on a case by case basis and action taken as deemed necessary. This may require that the procedures for Assessment and strengthening be followed to determine the earthquake prone status of the building. Investigation and actions will be balanced conserving the risk to building users and the public.

## 6.3 Assessment and Strengthening Criteria

For practical purposes relating to this policy, Ashburton District Council will define earthquake-prone buildings as those that, when subject to moderate earthquake shaking, do not achieve 33% of ultimate limit state as defined in the loadings and materials standards for new buildings, with the exception of those buildings that have special strategic importance to the Ashburton district as set out in section 6.3.2 of this policy.

The Council will require prior assessment and reporting by an appropriately qualified person or persons of the structural strength of a building, at the building owners' expense. Such assessment will be provided to the Council before a Building Consent is issued for any structural work on the building or parts of the building.

Where the building is assessed as being potentially earthquake-prone and the work to be consented will not impact on the structural integrity of the building, the Council will require the building owner to undertake the strengthening work detailed in the Structural Strength Assessment Report that has been accepted by the Council. The period of time that the strengthening is required to be completed in is detailed in Table: 1 of Section 6.3.2 of this policy. If upon expiry of the specified period the strengthening work subject to the Structural Strength Assessment Report has not been satisfactorily completed, then the Council may take action in accordance with section 124 of the Building Act 2004.

### 6.3.1 Assessment Process, Criteria and Cost

Assessment of whether or not a building is earthquake-prone will be undertaken by an appropriately qualified person – i.e. a Chartered Professional Engineer with expertise in Earthquake Engineering and preferably recognised by the New Zealand Society of Earthquake Engineers. The Council anticipates that in the majority of occasions, the building owner will commission Structural Strength Assessment Reports on affected buildings; however, the Council recognises that at times to fulfil its statutory obligations that some investigation and assessment may have to be commissioned by the Council and the cost recovered from the building owner.

Owners will be advised that they have 90 days from the date of the letter to provide evidence that the building is not earthquake prone. If satisfactory evidence is not provided within 90 days, it will be noted on the property file and in the GIS system that the building is **potentially earthquake-prone**.

The Council will accept an initial assessment using NZSEE’s Initial Evaluation Procedure, or an equivalent method, as satisfactory evidence that a building is not earthquake-prone.

**The Ashburton District Council Revenue and Financing Policy will apply to cost recovery and funding of strengthening work. Building owners will be required to fund all costs incurred in assessment & strengthening of a building, including Objection Hearings Panel, Council staff time, consultancy and legal costs, unless the Revenue and Financing Policy specifically contains provision for remission.**

### 6.3.2 Strengthening Requirements

Ashburton District Council will use the New Zealand Society for Earthquake Engineering Recommendations as its preferred basis for defining technical requirements and criteria. These recommendations are designed to be used in conjunction with AS/NZS 1170 Loadings Standard, NZS 3101 Concrete Structures Standard, NZS 3404 Steel Structures Standard and other materials Standards.

Where a building is formally identified by the Council as being earthquake-prone, the Council will apply the following strengthening criteria:

Table: 1

Category	Description	Timeframe for Strengthening
A.	Buildings with special post-disaster functions as defined in AS/NZS 1170.0: 2002, Importance Level 4, to be strengthened to a minimum of 67%.	Must be strengthened within 5 years from the date the owner is notified that their building is potentially earthquake prone.
B.	Buildings that contain people in crowds or contents of high value to the community as defined in AS/NZS 1170.0: 2002, Importance Level 3, to be strengthened to a minimum of 67%.	Must be strengthened within 10 years from the date the owner is notified that the building is earthquake prone.
C.	Heritage buildings listed in Council’s District Plan Schedule, Marae and buildings listed in the New Zealand Historic Places Trust Register to be strengthened to a minimum of 67%.	Must be strengthened within 15 years from the date the owner is notified that the building is earthquake prone.
D.	Buildings with an Importance Level of less than 3 as defined in AS/NZS 1170.0: 2002 and identified as being earthquake-prone to be strengthened to a minimum of 33%.	Must be strengthened within 15 years from the date the owner is notified that the building is earthquake prone.

### 6.3.3 Partial Strengthening

On occasion, the detailed assessment may find that only part of a building is earthquake-prone and requires strengthening – e.g. an addition or façade.

In these situations, Council will decide on the level of strengthening and the timetable for remedial action on a case-by-case basis.

## 6.4 Liaison with Building Owners and Taking Action on Buildings Likely to be Earthquake- Prone

Before exercising its powers under section 124, Ashburton District Council will seek where appropriate to discuss options for remedial action with affected building owners to reach agreement on the best approach to deal with the danger. The building owner will then be required to submit a formal proposal to Council which confirms the works to be undertaken to strengthen the building, remove the danger, or remove the building.

In the event that discussions do not result in a mutually acceptable proposal, Ashburton District Council may serve a formal notice on the building owner to strengthen or demolish the building. A Building Consent will not be issued that could extend the building life or maintain / increase the level of danger to building occupants or neighbouring persons / buildings, unless the Building Consent also includes strengthening of the building / parts of the building, to the Council's satisfaction.

Ashburton District Council will:

- Advise and liaise with the owners of buildings identified as earthquake-prone.
- Encourage building owners to carry out an independent assessment of the structural performance of those buildings identified as earthquake-prone.
- Use the powers given in Section 124 of the Building Act 2004 to take action regarding dangerous, earthquake-prone or insanitary buildings to serve formal notice in accordance with the Building Act 2004, and consider whether it should also erect a hoarding, fence or warning sign.
- Allow building owners to object to the classification of the building within 12 months of receipt of the notice.
- Determine to cancel a building consent application made for a building change of use or subdivision, relating to an identified potentially earthquake prone building, where the owner deems the building project is no longer viable.

### 6.4.1 Objections

In the first instance, building owners or other directly affected parties who wish to object to a building being, (or not being), declared dangerous, earthquake-prone or insanitary may record their objections in writing to the Chief Executive Officer of the Council. The Chief Executive Officer will undertake an investigation of the circumstances of the building and the reasons behind the Councils' decision on the matter and arrange for a Hearings Panel of Councillors to review the decision and if necessary to hear evidence from parties involved. As provided by the Ashburton District Council Delegations Manual, a Hearings Panel of a minimum of 3 members, to provide a quorum, shall be appointed by the Chairperson of the Environmental Services Committee. A Council decision will be provided by way of response to an objection.

The Council reserves the right to recover actual and reasonable costs incurred in conducting review and objection processes, in accordance with fees set from time to time and the Councils' Funding Policy.

Priority will be given to objections where the building has been declared to be of such a risk as to require immediate remedial action so that no undue delays are caused.

#### 6.4.1.1 Determinations

Applying to the Department of Building & Housing for a Determination is also an option available to building owners.

Building owners and a variety of other interested parties (e.g. the New Zealand Fire Service) can apply to the Chief Executive of the Department of Building and Housing for a determination. Determinations can be applied for concerning the Council's decisions to issue or not issue a consent or code compliance certificate, or to exercise or not exercise its powers concerning dangerous, earthquake-prone or insanitary buildings.

Sections 176 – 190 of the Act lay out the requirements for determinations.

## **6.5 Recording a Building's Earthquake-Prone Status**

Ashburton District Council will keep a register of all earthquake-prone buildings noting the status of requirements for improvement or the results of improvement as applicable.

In addition, the following information will be placed on any Land Information Memorandum (LIMs) and will be available for public release in accordance with the provisions of Local Government Official Information and Meetings Act 1987:

- Address and legal description of land and building
- Statement that the building is on the Council's register of earthquake-prone buildings.
- Date by which strengthening or demolition required, (if known).
- Statement that further details are available from the Council's property file.

Ashburton District Council will not require earthquake-prone buildings to have an identifying plaque affixed to the building. The information will be available at the Council offices and via the LIM process.

## **6.6 Economic Impact of Policy**

The economic impact of requiring structural assessment/upgrade in accordance with the provisions of the New Zealand Building Act 2004 for buildings will largely be restricted to the building owner rather than the wider community. There may be some minor general costs to the community associated with Council's Building Control staff administering the policy, which cannot be directly linked to a specific property.

## 7. Heritage Buildings

### 7.1 Definition of Heritage Buildings

Heritage buildings are those listed in Council's District Plan Schedule, Maraes and buildings listed in the New Zealand Historic Places Trust Register. The Building Act 2004 recognises that special provision shall be made for such buildings.

### 7.2 Philosophy

Ashburton District Council values heritage buildings in the Ashburton District, and considers it important that heritage buildings are resilient to a major earthquake, in order to retain important connections to the District's history and unique character. However, Ashburton District Council does not wish to see the intrinsic heritage values of these buildings adversely affected by structural improvement measures.

Heritage buildings will be assessed in the same manner as other potentially dangerous, earthquake-prone or insanitary buildings and as per ss121-123 of the Act. Where buildings are identified as dangerous, insanitary or earthquake-prone, Council will negotiate with the building owner and the New Zealand Historic Places Trust, pursuant to s125 (2) (f) of the Building Act 2004. Where possible, Council will seek a mutually acceptable way solution that meets heritage objectives and Building Act requirements included in this policy.

The identification and consultation of matters relating to Heritage Buildings or Dams should be carried out in accordance the New Zealand Historic Places Trust's 'Guide to Heritage Provisions: Dangerous, Earthquake-Prone, Insanitary Buildings and Dangerous Dams Policies Building Act 2004 (10th April 2006)'.

Council will serve notices requiring upgrading or demolition within specified timeframes, in consultation with building owners. A copy of any notice issued under s124 of the Act will be sent to the Historic Places Trust in the case of all heritage buildings.

Any upgrading work must take into account the principles of the International Council on Monuments and Sites (ICOMOS) NZ Charter, any advice from Council's heritage staff or other heritage professionals or organisations, where applicable and should be designed to involve minimal loss to heritage fabric.

Waivers of modifications of the building code will be considered on a case by case basis and seismic strengthening methods that respect heritage values will be supported.

Council funding of structural strength assessments and strengthening works will be subject to availability of Council grants, as determined by the Heritage Grants criteria, Long Term Council Community Plan and Revenue and Financing Policy.. The Ashburton District Council will encourage building owners to retain heritage buildings wherever practicable.

Demolition is an option of last resort for heritage buildings.

## **8. Interaction Between Earthquake Prone Building Policy and Related Sections of the Building Act 2004**

### **8.1 Section 112 – Alterations to existing buildings**

When a building consent application is received for a potentially earthquake-prone building, Council will not issue a building consent unless satisfied that the building is not earthquake-prone, and work will not affect 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.

### **8.2 Sections 115 – Change of use of buildings**

When an application is received for a building consent to change the use of a building identified as being potentially earthquake prone, Council will require the owner to supply a detailed assessment of the earthquake performance of the building..

If the building is identified as earthquake prone, Council will require the building to be strengthened to comply as near as is reasonably practicable with every provision of the Building Code that relates to structural performance as required by Section 115(b)(i)(A).

When issuing building consents under Sections 112 to 116A of Act for an alteration, change of use, extension of life or subdivision, Council will also consider the requirements of the Act relating to dangerous and insanitary buildings. Council will require that any action necessary to reduce or remove the dangerous or insanitary situation to be undertaken at the same time as (or before if appropriate) the building work set out in the consent application.

## **9. Post Disaster Assessment**

Buildings that were not earthquake prone, or had been identified as earthquake prone but have a number of years until strengthening is required, may be damaged in a moderate to strong seismic event. The Council reserves the right to reclassify these buildings after an event and require strengthening in a much shorter timeframe. While some of these buildings will be captured by the provisions of clause 8.1 of this policy others may be weakened but not require repairs under the Building Act.

Such buildings may not meet the tests under the Act that allow a building to be classified as dangerous but could be subject to collapse when subjected to a mild earthquake (the Dangerous Building provisions of the Act preclude the consideration of earthquakes as a risk). These building may be given a short timeframe to strengthen. Time periods will be no less than two years but no more than five years.

If following a seismic event, a building or part of a building is damaged to the extent that a danger to pedestrian traffic has been caused, the owner of the building will be responsible for insuring that the safety of the public is addressed. All steps shall be taken to keep footpaths and carriageways open and usable by the public. The Ashburton District Council will reserve the right to issue a Section 124 notice under the Building Act 2004 as set out in Section 6.4 of this policy.

**TABLE 3.2**  
**IMPORTANCE LEVELS FOR BUILDING TYPES—NEW ZEALAND STRUCTURES**

Importance level	Comment	Examples
1	Structures presenting a low degree of hazard to life and other property	Structures with a total floor area of <math><30\text{ m}^2</math> Farm buildings, isolated structures, towers in rural situations Fences, masts, walls, in-ground swimming pools
2	Normal structures and structures not in other importance levels	Buildings not included in Importance Levels 1, 3 or 4 Single family dwellings Car parking buildings
3	Structures that as a whole may contain people in crowds or contents of high value to the community or pose risks to people in crowds	Buildings and facilities as follows: (a) Where more than 300 people can congregatc in one area (b) Day care facilities with a capacity greater than 150 (c) Primary school or secondary school facilities with a capacity greater than 250 (d) Colleges or adult education facilities with a capacity greater than 500 (e) Health care facilities with a capacity of 50 or more resident patients but not having surgery or emergency treatment facilities (f) Airport terminals, principal railway stations with a capacity greater than 250 (g) Correctional institutions (h) Multi-occupancy residential, commercial (including shops), industrial, office and retailing buildings designed to accommodate more than 5000 people and with a gross area greater than 10 000 m <sup>2</sup> (i) Public assembly buildings, theatres and cinemas of greater than 1000 m <sup>2</sup> Emergency medical and other emergency facilities not designated as post-disaster Power-generating facilities, water treatment and waste water treatment facilities and other public utilities not designated as post-disaster Buildings and facilities not designated as post-disaster containing hazardous materials capable of causing hazardous conditions that do not extend beyond the property boundaries
4	Structures with special post-disaster functions	Buildings and facilities designated as essential facilities Buildings and facilities with special post-disaster function Medical emergency or surgical facilities Emergency service facilities such as fire, police stations and emergency vehicle garages Utilities or emergency supplies or installations required as backup for buildings and facilities of Importance Level 4 Designated emergency shelters, designated emergency centres and ancillary facilities Buildings and facilities containing hazardous materials capable of causing hazardous conditions that extend beyond the property boundaries
5	Special structures (outside the scope of this Standard—acceptable probability of failure to be determined by special study)	Structures that have special functions or whose failure poses catastrophic risk to a large area (e.g. 100 km <sup>2</sup> ) or a large number of people (e.g., 100 000) Major dams, extreme hazard facilities

Appendix B

AS/NZS1170.0:2002

**TABLE 3.1**  
**CONSEQUENCES OF FAILURE FOR IMPORTANCE LEVELS**

<b>Consequences of failure</b>	<b>Description</b>	<b>Importance level</b>	<b>Comment</b>
Low	Low consequence for loss of human life, or small or moderate economic, social or environmental consequences	1	Minor structures (failure not likely to endanger human life)
Ordinary	Medium consequence for loss of human life, or considerable economic, social or environmental consequences	2	Normal structures and structures not falling into other levels
High	High consequence for loss of human life, or very great economic, social or environmental consequences	3	Major structures (affecting crowds)
		4	Post-disaster structures (post disaster functions or dangerous activities)
Exceptional	Circumstances where reliability must be set on a case by case basis	5	Exceptional structures

## 6. ACTIVITY REPORTS

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### 6.1 Variances Report – Period ending October 2011

*Pages 17-19*

### 6.2 Building Services

#### 6.2.1 Staff

Building Official, Lindsay Barnett, has notified Council of his intention to retire, effective 30 October 2011.

Len Schimanski has tendered his resignation from the position of Building Official, to be effective 9 December 2011.

Two new Building Officials have been employed by Council. David Donaldson, a highly experienced Building Official, began employment on 31 October 2011. Gavin Bird has been employed and will begin 28 November 2011. Gavin is currently employed as a Project Manager on the North Island but has experience as a Building Official and is recognised as a weather tightness specialist.

#### 6.2.2 Building Consents

The number of building consents issued during October was 104. This is an increase of 31 building consents from the same month in the previous year. The number of applications received for the month was 79; this is an increase of 17 applications from the same month in the previous year.

*Pages 20-29*

Month	Building Consents Received	Building Consents Issued	% Processed within 20 Days	Inspections Carried Out	CCC Issued within 20 Days of Application
July	80	101	97%	422	100%
August	96	97	95.83%	387	100%
September	92	53	94.34%	363	71%
October	79	104	61.54%	374	93%

#### 6.2.3 Building Consent Processing Times

During the month 61.54% of building consents issued were within the twenty day statutory timeframe. In order to mitigate additional delays in processing, a private accredited building consent authority, Professional Building Consultants, has been contracted to provide services processing building consent applications. A private independent contractor has been engaged and has been working from Council offices since the beginning of October to provide additional processing capacity. During the second week of October the Selwyn District Council seconded a Building Official to the department for one week to provide some extra capacity while Processing staff were required for inspection duties.

Additional staff and the continued use of contractors should be sufficient to reduce processing to compliant levels over the next two months.

#### 6.2.4 Project Information Memoranda (PIM's)

There were two stand-alone PIM's for the month.

### 6.2.5 Inspection Times

Inspection times for the months of September and October have ranged between 5-7 days. Current waiting times are approximately 5 days. The loss of one field inspector and other staff members taking previously scheduled holidays has resulted in processing staff being utilised for inspection duties.

The number of rural inspections and the time required for travel between inspections has had an effect on the number of inspections that are able to be carried out within the month. There is no anticipated reduction in the number of inspections anticipated in the future, with the exception of the holiday periods.

### 6.2.6 Significant Applications

- Six retirement villas – Rosebank Residential Home
- Commercial seed storage building
- Three residential retirement villas – 29 Carters Terrace.

### 6.2.7 BCA Accreditation

Ongoing auditing of BCA systems and procedures is continuing in preparation for reassessment for accreditation scheduled to take place in February 2012.

## 6.3 Planning

### 6.3.1 Resource Consents

Indicator	Performance	
	October 2011	October 2010
<b>Resource consents</b>		
Resource consents applications decided <sub>1</sub>	22	13
Resource consents decided within statutory timeframe	19	13
Notified/ Limited notified applications decided	1	0
<b>Other</b>		
Building consents reviewed against District Plan <sub>2</sub>	64	45
Land Info Memorandum Planning gave input to	44	53

1. Includes applications for subdivision, land use and other (eg application to change conditions of consent) consents
2. Building consent applications are assessed against all relevant rules in the District Plan to determine if resource consent is required. The applicant for building consent is advised accordingly if resource consent is required.

- Resource consents granted under delegated authority reports **Pages 30-31**

### 6.3.2 Performance Bonds – Relocated Dwellings

It is apparent that the process for the taking of bonds for relocated dwellings needs to be reviewed and a revised policy established. It is important that when a dwelling is being relocated to a new site in the district that guidance exists on the extent of control over conditions relating to appearance of the building. The taking of a cash bond is the best way to enforce performance and have the appearance of the building satisfactorily upgraded in accordance with the resource consent decision. This matter will need to be subject to a later policy development process.

### 6.3.3 District Plan Review

The next District Plan hearings are scheduled for 16 November for the *Rural Zone: Other Matters* section, the Biodiversity hearing on 23 November, and the Geoconservation hearing on 24 November. The last hearing for the year will be *Rural Zone: Outstanding landscapes* scheduled for 7 and 8 December.

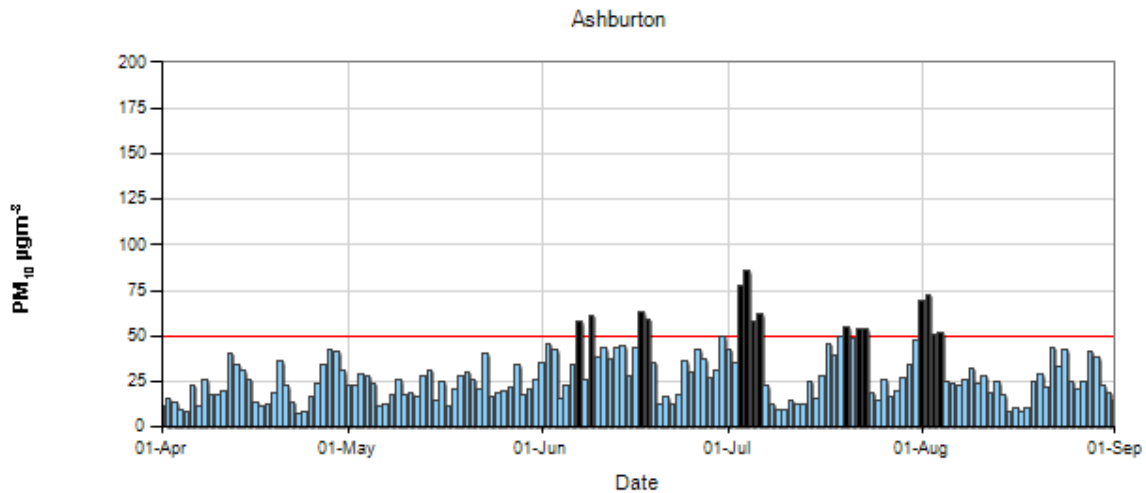
### 6.3.4 Baring Square East Project

It has been reported by Nik Kneale of Boffa Miskell Ltd that final construction design work has been completed. This work involved input from landscape design, urban design, traffic, stormwater and civil engineers as well as staff through the Town Centre Staff Reference Group. This work will now enable the town centre upgrade to commence at such a time that the Council wishes it to in the future, without the delay of preparing construction drawings.

## 6.4 Regulatory

### 6.4.1 Air Quality

#### 24 hour average PM<sub>10</sub> concentrations for winter – High Nights = 15



Guideline for PM<sub>10</sub>  
(50 µg/m<sup>3</sup> of air over 24 hr)

The Minister for the Environment, Nick Smith and local National MP, Jo Goodhew attended the Clean Heat Ashburton public information session in the library on Fri 04 November 2011 to support the Council's initiative. The clean heat message is being quite well received within Ashburton and a number of home assessments have been booked.

### 6.4.2 Environmental Health

Twenty food premises were inspected under food hygiene regulations for grading; the overall standard was good. Two new licence applications were received and approved.

Nine premises were audited in terms of their Food Control Plan and all were doing well with the new system. Several food premises were visited regarding signing up to the Food Control Plan system. A public information session regarding food safety and the new legislation pertaining to food was presented and as a result of that ten new applications were received to operate a Food Control Plan.

The EHO completed the final assessment in the Advanced Auditing Skills training course conducted by Assure Quality, and passed, with the result that auditing can now be done in terms of the new legislation within Ashburton food premises.

Twenty eight other events relating to food premises and requirements for selling and operating food shops were attended to; this includes re-inspections at premises where requirements were outstanding.

Complaints attended to -

- Complaint related to a cat in a food premises was attended and was unfounded.
- Complaints relating to the keeping of animals and accumulation of dung were investigated and notices served.
- Sixty four noise complaints were investigated by First Security with sixteen directives issued.
- Eleven Campylobacter cases were reported.

Four building consents for potable water were completed.

Five premises were inspected for suitability as a hairdresser, and the licences were approved.

Three mobile food shop licences were approved and inspection was carried out at forty three mobile shops during the Boulevard Day and the A&P show; all were satisfactory.

One offensive trade licence premises was inspected and the licence reapproved.

As a result of the meeting held with ECan regarding the sampling of recreational water in the district, public information signs are being produced and will be erected informing the public of the poor water quality in the Ashburton River.

The EHO and Regulatory Manager attended a swimming pool inspection course. All public pools in the district will be visited to assess standards of health and hygiene and guidance will be issued as required.

### 6.4.3 Community & Public Health

Summary of notifications for October 2011

#### Summary Table of Notifications By TLA for the C&PH region

October 2011

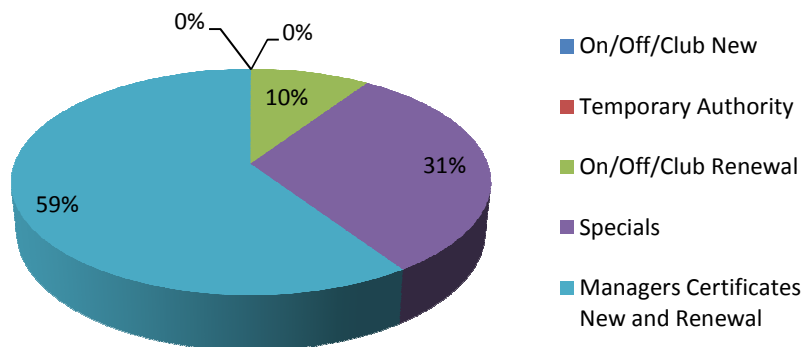
	Previous Month	Total	Buller	Grey	Westland	Kaikoura	Hurunui	Waimakariri	Christchurch	Selwyn	Ashburton	Timaru	Mackenzie	Waimate
Campylobacteriosis	78	69	1	1	1	2	1	6	28	7	11	6	1	4
Cryptosporidiosis	16	20	1	1	1		1		3	2	1	8	1	1
Gastroenteritis	6	5						1	4					
Giardiasis	23	16		1	1				13		1			
Hepatitis B	1													
Hepatitis C	2													
Invasive pneumococcal disease	7	6						1	4	1				
Lead absorption	1	2		1								1		
Legionellosis	7	8						1	7					
Leptospirosis	1	1							1					
Listeriosis		1		1										
Malaria	1	1								1				

Measles	1	7							2		1	4		
Meningococcal disease	2													
Mumps	1	1				1								
Pertussis	88	97	4	35	10	2	6	31	3	2	2		2	
Salmonellosis	11	10						5		1	4			
Shigellosis		1						1						
Tuberculosis - new case		3					1	2						
Typhoid fever		1						1						
VTEC/STEC infection	1	3	1					1			1			
Yersiniosis	4	6						5		1				
<b>Total:</b>	<b>255</b>	<b>258</b>	<b>6</b>	<b>41</b>	<b>13</b>	<b>2</b>	<b>5</b>	<b>16</b>	<b>108</b>	<b>14</b>	<b>18</b>	<b>26</b>	<b>2</b>	<b>7</b>

#### C&PH Surveillance Unit

### 6.4.4 Liquor Licensing

**Applications Received for the period  
18 Sept-3 Nov 2011**



#### **On/Off/Club Applications being processed:**

- Brinkley Village, Methven- On Licence renewal
- Arabica Café, Methven- On Licence renewal.
- The Lake House -On Licence renewal.
- Beach Road Store & Video -Off Licence renewal and variation sought. Resource consent required for extended hours sought.
- Brown Pub Methven- renewal and variation; variation sought to extend outside licensed area for dining/drinking area on Main Street. Approved.
- Application has been received for a new Off Licence for proposed new bottle store at 94 Alford Forest Rd, Ashburton. Ten objections received (not all are considered valid). Application to be forwarded to the Liquor Licensing Authority for determination.

#### **Applications referred to the LLA:**

- Application for renewal of a general manager's certificate has been opposed due to recent convictions for offences, and the file forwarded to the Liquor Licensing Authority for determination.

- The sale of liquor to a minor during a Police controlled purchase operation in August resulted in an application to the Liquor Licensing Authority for suspension of the Off Licence in respect of the Brown Pub, Methven. The Authority has imposed a three day suspension on 25-27 November.
- Application for suspension of On Licence for Millies Bar, for non compliance with requirement to have duty manager on the premises.

**Special Events:**

- Methven Summer School.
- Horse racing events in Ashburton and Methven.
- Artscape
- Methven Rodeo on 23 October 2011.

**Other Activities:**

- Recent publicity about the liquor ban area will hopefully increase awareness and compliance. It is hoped that publicity will be followed by increased enforcement.
- After hours monitoring on 8 October 2011, with Public Health; blocked fire exit noted in one bar resolved.
- Application for a Class 4 Gambling Venue consent pursuant to Gambling Act 2003, in respect of Revival Bar and Café at 90 Harrison Street, Allenton, Ashburton, is being processed. The applicant is seeking a venue consent for five (5) pokie machines.

**6.4.5 Water Monitoring**

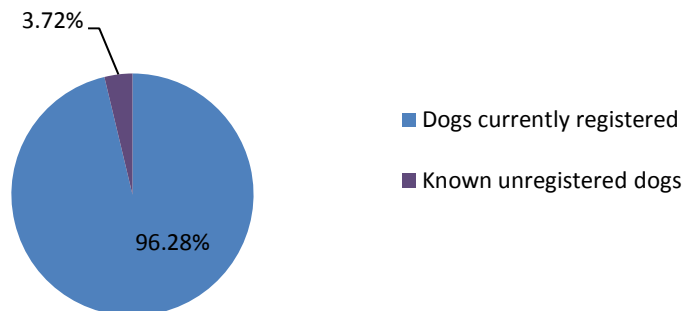
E-coli sampling continues at all Ashburton District Council water supplies with good results being achieved across all sites. Recent heavy rain will have tested some of the district’s supplies; however all have maintained steady potability. One private supply has not been so lucky with E-coli being detected in the monthly sample. Council’s new bore D7 in the Ashburton Domain is at present being tested for E-coli on a daily basis to assess bore security as this bore is now pumping into the town system, with good results being achieved. This daily sampling is required to continue until December 23. Waste water sampling at Rakaia and Methven has also been completed.

**6.4.6 Animal Control**

**Registration status:**

The annual breakdown is as follows:

**Registration Status as at  
31 October 2011**



**Court Cases:**

On 27 June 2011, a dog (already classified as dangerous due to a previous offence) attacked and killed pet rabbits on a property.

Upon capture this dog did bite the dog control officer. Council prosecuted the owner who pleaded guilty. The owner has been disqualified from dog ownership for 5 years and the dog has been destroyed.

**Dog Control Act Infringement Notices:**

Twenty three infringement notices have been served from 19 September until 31 October 2011 making a total of thirty three since 1 July 2011.

**Impounding:**

Thirty one dogs have been impounded from 19 September – 31 October. There is currently one dog in the pound (as at 31 October).

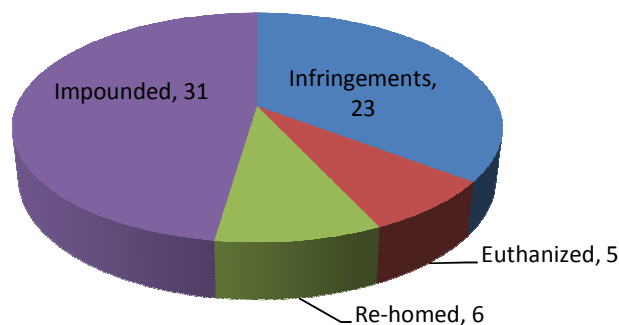
**Re-homing:**

Six dogs have been re-homed to new owners from 19 September – 31 October 2011.

**Euthanized:**

Five dogs were euthanized in the 19 September – 31 October 2011 period.

**Animal Control Statistics  
19 September - 31 October 2011**



Council has been notified by a tenant, on the land where the proposed dog pound is to be built, that they will relinquish a parcel of land back to the Council. Work can then start on the tender document to have the new dog pound facility built.

**Dog & stock control report:**

The contractor's report for October is attached

**Pages 32-34**

**6.4.7 Regulatory Enforcement Officer**

Fifteen audits have been carried out for building warrants of fitness.

Two infringements have been issued for litter and five infringements under the Ashburton District Council Bylaws.

Sampling has been completed at Ocean Farm including shallow bores sampling and soil sampling. After heavy rainfall an overflow event lead to an additional sampling visit.

A written warning has been issued to a local business for the blocking of the fire escape explaining that any further breaches will incur an infringement.

**6.4.8 Trade waste**

- 31 routine inspections/contacts completed.
- No investigations carried out in the reporting period.

#### **6.4.9 Illegal dumping**

- 7 incidents/investigations
- 8 infringements – two under the Litter Act and six breaches of litter bin Bylaw.
- 81 site checks conducted.

#### **6.4.10 Signage**

One incident was responded to.

#### **6.4.11 Other tasks**

Assist sampling (Water/soil)(days) - 3  
Smoke from fires - 1  
Assist other staff re enquiries/situations/photographs - 9  
Consult with other agencies - nil  
Overhanging vegetation - 2  
Other incidents 1 (noise).

J McKENZIE

**Environmental Services Manager**