

Canterbury Earthquake Recovery Authority

Private Bag 4999
Christchurch 8140

03 354 2600
0800 RING CERA



31st May 2011

Cathedral House
P O Box 4544
Christchurch 8140
pbeban@chch.catholic.org.nz

Attention Paddy Beban

Dear Paddy

Partial Demolition of the building at 136 Barbadoes Street

1. The purpose of this letter is to:
 - Advise you that I have determined that your building is dangerous in terms of the Canterbury Earthquake Recovery Act 2011 (CER Act), and subject to the provisions of Section 40(1) of the CER Act (as described in Schedule 1 of this letter); and
 - Give you notice under Section 38(4) of the (CER Act) that your building needs to be partially demolished.
2. This notice relates to your plan to remove the main dome structure of the building. Structural work to the main building will be the subject of a separate assessment and notification process.
3. You have 10 days from the date of this notice to advise me whether you intend to undertake the partial demolition of the building and, if so, when you intend to undertake and complete the work.
4. Attached as Schedule 2 is an outline of the information required from you if you propose to complete the partial demolition work using your own contractor.
5. You may elect to have the Canterbury Earthquake Recovery Authority (CERA) undertake the partial demolition work for you. To assist you to decide on your preferred option, attached as Schedule 3 is a summary of the services CERA will provide.
6. Your written notice to CERA of your intentions should be in the form attached to this letter entitled "Owner's Response to Partial Demolition Notice under s38(4) of the Canterbury Earthquake Recovery Act 2011". Your notice can be either:
 - 6.1. Emailed to us at demolitioncontracts@cera.govt.nz, or
 - 6.2. Delivered to Canterbury Earthquake Recovery Authority, Level 3, 7 Winston Avenue, Papanui, Christchurch; or

6.3. Posted to Canterbury Earthquake Recovery Authority, Private Bag 4999, Christchurch 8140.

7. In making your decision you should be aware that the CER Act provides that:

7.1. if you fail to give notice to me within the 10 day period; or

7.2. if I am not satisfied with the time specified by you for partial demolition of the building; or

7.3. if you do not carry out the works in the time specified

CERA may commission the partial demolition work and recover CERA and third party costs of carrying out the work from you as owner of the dangerous building.

8. Because of CERA's overall role in managing partial demolition and the importance for the recovery of completing all partial demolitions as soon as possible, CERA does not need resource or building consents for this work. This means CERA can and will move quickly. In considering your response to this notice and the acceptability of any alternative proposals you put forward, speed of completion of the works will be key criteria for me.

9. If you do not respond to this letter within 10 days of receipt CERA will look to commence action to commission the partial demolition works at your cost. The timing and arrangements for partial demolition will then be negotiated with the demolition company and you will be informed in accordance with the process under the Act.

Please contact CERA by email or telephone 029 200 8830 if you have any questions about this written notice or wish to discuss the partial demolition.

Yours faithfully
Canterbury Earthquake Recovery Authority



Warwick Isaacs
Interim Manager - Civil Defence Transition and all Residual Deconstruction



Schedule 1

Summary of meaning of “dangerous” building: Building Act 2004 as amended by Canterbury Earthquake (Building Act) Order 2010

A dangerous building is a building which:

- (a) in the ordinary course of events (excluding the occurrence of an earthquake), 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 persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building; or
- (c) there is a risk that the building could collapse or otherwise cause injury or death to any person in the building as a result of an earthquake that generates shaking that is less than a moderate earthquake; or
- (d) there is a risk that other property could collapse or otherwise cause injury or death to any person in the building; or
- (e) a territorial authority has not been able to undertake an inspection to determine whether —
 - (i) the building is dangerous under paragraph (a); and
 - (ii) the territorial authority or the chief executive, as the case may be, is required to exercise powers under section 124 or 129 of the Building Act 2004 as modified by the Canterbury Earthquake (Building Act) Order 2010.
- (f) if, having regard to its condition and to the ground on which it is built, and because of its construction, the building —
 - (i) will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and
 - (ii) would be likely to collapse causing —
 - (a) injury or death to persons in the building or to persons on any other property; or
 - (c) damage to any other property.

Note: (f) does not apply to a building that is used wholly or mainly for residential purposes unless the building —

- (i) comprises 2 or more storeys; and
- (ii) contains 3 or more household units.

Extract from Canterbury Earthquake Recovery Act 2011 S40. Compensation for demolition of building

- (1) If the chief executive demolishes a dangerous building —
 - (a) the Crown is not liable to compensate the owner or any tenant or other occupier of the building; and
 - (b) the chief executive may recover the cost of partial demolition from the owner.

Schedule 2: Information Required to Support Owner Managed Partial Demolition

The following information is required to support owner managed partial demolitions.

- Partial demolition plan of work
- Name of accredited partial demolition contractor
- Date of commencement of work – and proposed completion date
- Site specific safety plan
- Waste minimization plan
- Transport management plan
- Hazard management plan

The partial demolition plan is expected to include treatment plans for the following where relevant:

- Site services capping plan
- Treatment proposal for basements and piles
- Treatment of adjacent footpaths and kerbs
- Treatment of ground service – e.g. top soiled and seeded

CERA also requires that owners provide photographs of completed works and reserves the right to monitor the partial demolition as it occurs and to conduct a site audit following notification by owners that work is completed.

Schedule 3: CERA Services Provided

The services that CERA will provide to owners should they elect to use the CERA-managed partial demolition process include the development of the plans at Schedule 2 plus the following:

- CERA will provide dedicated project and site management to ensure contractor resource is tightly and effectively managed.
- CERA has a large database of cost and performance information intended to enable continuous improvement of partial demolition project works .
- CERA will provide a full tender and cost management service by an independent consultant.
- Close supervision by CERA contractors minimises risk of damage to CCC-owned infrastructure (roads, footpaths, water supplies, SS & SW, etc)
- Close supervision by CERA contractors minimises risk of damage to other utilities (telecommunications, power, etc). Repair of these is a cost risk to property owners.
- CERA has access to the most current and best engineering advice from New Zealand and overseas, including those trained in specialist USAR deconstruction.
- CERA processes satisfy regulatory requirements and substitute for building consents.
- CERA will manage the partial demolition methodology, traffic management plan, site safety plan including the removal of asbestos or hazardous waste, debris management plan, etc.
- CERA will act as principal in terms of the construction contract and will sort out non-conformances directly with the contractor.
- CERA has obtained approval from CCC that building consents are not required for work commissioned by it.
- CERA does not require resource consents for the partial demolition of most heritage buildings.

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Owner's Response to Partial Demolition Notice under s38(4) of the Canterbury Earthquake Recovery Act 2011 (the Act)

To: The Chief Executive, Canterbury Earthquake Recovery Authority
Attention: Warwick Isaacs, Interim Manager Civil Defence Transition
and all Residual Deconstruction

Email demolitioncontracts@cera.govt.nz, or

Deliver to Canterbury Earthquake Recovery Authority, Level 3, 7
Winston Avenue, Papanui, Christchurch; or

Post to Canterbury Earthquake Recovery Authority, Private Bag 4999,
Christchurch 8140.

1. I confirm that I am the owner or duly authorised representative of the owner of the building at 136 Barbadoes Street DP 50663 as described in the partial demolition notice you issued to me under section 38(4) of the Act on 13 May 2011.
2. I agree that the description of the building in that notice is accurate (if not please amend and attach updated description).
3. I agree (cross out which you do not want to apply):
 - a. To enter into an agreement with you under which you will have the Canterbury Earthquake Authority partially demolish the building at my cost (such costs to be agreed and set out in that agreement); OR
 - b. To arrange for the partial demolition of the building in accordance with my proposal under which partial demolition will be completed, the site cleared, and all waste disposed of, in accordance with all relevant requirements by no later than _____ 2011.

From: [insert full name of owner or duly authorised representative]

Signed this ____ day of _____ 2011 by _____
as owner or duly authorised representative of the owner.

Signature

Attached: - Amended description (if building description is not accurate)
- Copy of partial demolition proposal under paragraph 3(b) above (if applicable)
- Proof of authority to sign this letter if signing as duly authorised representative