

**UNDER**

**THE COMMISSIONS OF INQUIRY ACT 1908**

**IN THE MATTER OF**

**ROYAL COMMISSION OF INQUIRY INTO BUILDING  
FAILURE CAUSED BY CANTERBURY EARTHQUAKES**

**KOMIHANA A TE KARAUNA HEI TIROTIRO I NGĀ  
WHARE I HORO I NGĀ RŪWHENUA O WAITAHA**

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**CLOSING SUBMISSIONS IN RELATION TO THE PGC BUILDING**

**DATE OF HEARING: WEEK BEGINNING 28 NOVEMBER 2011**

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## INTRODUCTION

1. At the hearing on 29 November 2011 in relation to 233 Cambridge Terrace (“the PGC building”), the Commission asked the Council to provide additional information concerning the PGC building, as follows:
  - (a) Confirmation of the date that the building permit was issued for the building.
  - (b) Confirmation of the Building Bylaw under which the building permit was issued.
  - (c) Whether a building permit issued under the Bylaw would expire after a certain period of time; and if so, whether there was any power to extend this timeframe.
  - (d) Whether an extension to the building permit was granted in the case of the PGC building.
  - (e) What the relevant building standards would have been at the time the PGC building was constructed.
2. In addition, the Council wishes to make further submissions concerning one aspect of the opening statement of Counsel Assisting (dated 28 November 2011).
3. These matters are dealt with in more detail below.

## ISSUE OF THE BUILDING PERMIT FOR CONSTRUCTION

4. The Council's electronic records indicate that a Building Permit 63400604 was issued for the building on 25 March 1964. This is reflected in the 2009 Land Information Memorandum issued for the building (BUI.CAM233.0128.2). The Council's paper file in relation to the PGC building does not include a copy of the original Building Permit. The original plans for the building are however held on the Council's files and these include a date stamp of 18 March 1964 (BUI.CAM233.0132), recording approval of the plans shortly before the permit was issued. It appears that the date of 24 February 1964 referred to in the Statement of Evidence of Stephen McCarthy in Relation to the PGC Building

was incorrect.

5. At the time the Building Permit was issued the relevant bylaw was Christchurch City Bylaw No. 44 (Building) 1962. Clause 217 of the Bylaw (**Annexure "A"**) stated:

*"Any permit issued for building construction shall be deemed to expire and be void if active work is not commenced thereunder within the period of six calendar months from the date of issue thereof:*

*Provided that the Engineer may from time to time by writing under his hand grant an extension of the aforesaid period of six months, should he consider the cause of delay to warrant such extension, and every such extension shall have the effect of continuing the validity of the permit for the period or until the date set out in the extension, but not in any case for a period exceeding six months from the day the extension was granted.*

*All the works covered by the permission shall be completed within the time stated in such permission".*

6. The Council has no documentation on its own files relating to the date that construction began on the building. However, the report "*Christchurch – Swamp to City – A Short History of the Christchurch Drainage Board 1875 – 1989*" (GEO.WIL.0001.SUB.63) states that construction of the PGC building began at the end of March 1964. If that is correct then there would have been no requirement for an extension of the building permit issued on 25 March 1964. The same report notes that the building was completed in 1966.
7. There are no records of any extension under clause 217 being granted on the Council's files.
8. The Commission has asked the Council to advise whether, at the time of construction of the PGC building, NZSS 1900 had been adopted by the Council. It appears from a review of relevant Council and Committee Minutes that NZSS 1900 was not formally adopted by the Council until 1 September 1969. The standard was incorporated into Christchurch City By-Law No. 51 (Building) 1969, as discussed below.
9. Between 17 July 1967 and 1 September 1969 the Council provided the option of working with either the current bylaw at the time (Christchurch City Bylaw No.

44 (Building) 1962) or NZSS 1900. Prior to 17 July 1967, the relevant building standards were set out in Christchurch City Bylaw No. 44 (Building) 1962.

10. The following documents are attached in support of this position:

(a) A Council minute of 17 July 1967 adopting a recommendation from the Town Planning Committee stating:

"N.Z.S.S 1900 – PROPOSED NEW BYLAW:

*Amendments to the above New Zealand Standard covering building requirements are being written and cross references with existing By-laws being checked for adoption of N.Z.S.S 1900 as soon as possible.*

*As nearly all local authorities are at present working to N.Z.S.S 1900 (though not legally adopted) it is recommended that Council approve the use of N.Z.S.S 1900 also. Subject to the adoption of this recommendation, it will be necessary that N.Z.S.S 1900 be worked to entirely, i.e. that the use of mixed provisions – Standard Specification and By-law – be not permitted" (Annexure "B").*

(b) A letter from the City Engineer's Department to the Water Supply and Works Committee dated 8 August 1967, which states:

*"Generally when buildings are erected by the City Council either for its own use or for lease, they are designed to the standards laid down in the By-Laws or, as is now permitted, to N.Z.S.S 1900, the New Zealand Standard Model Building By-Law" (Annexure "C").*

(c) A Minute from the Buildings Committee dated 15 April 1969 which includes an explanation of the proposed By-Law Number 51 (Building) 1969. This states:

*"The Bylaw No. 51 will replace the present Building By-Law No. 44 (Building) 1962 which will be repealed when By-Law No. 51 is adopted. The new By-Law is made up of the following parts :-*

1. *Preliminary Statement.*

2. *Subject Matter, i.e. List of Chapters of N.Z.S. 1900.*
3. *Alterations to N.Z.S. 1900.*
4. *Supplementary Clauses.*
5. *Accessory Buildings in Residential Zones.*

*N.Z.S. 1900 contains basically the same information as N.Z.S.95 which it supersedes. In detail, it makes more allowance for design against earthquakes. All other Councils in the Christchurch Metropolitan area have already adopted N.Z.S. 1900 as their building By-Law" (Annexure "D").*

(d) A Minute dated 18 August 1969 recording the resolution that *"the Christchurch City By-Law No. 51 (Building), 1969, shall come into force on the 1<sup>st</sup> day of September, 1969" (Annexure "E").*

11. Therefore, at the time of issue of the Building Permit for the PGC building and at the time of construction, the relevant building standards were those set out in Christchurch City Bylaw No. 44 (Building) 1962.

#### **Opening Statement by Counsel assisting, dated 28 November 2011**

12. The Council wishes to reply to paragraph 15 of the opening statement by Stephen Mills QC, Counsel Assisting. It is asserted in this paragraph that the Council had an "entirely passive earthquake prone policy". It is not entirely clear whether it is the 2006 or 2010 policies (or both) which are being referred to, but both are discussed.
13. The 2006 Policy has been referred to in prior evidence from Mr McCarthy. It is submitted that the 2006 Policy was not entirely passive. It is noted in passing that the Department of Building and Housing, on its website categorised the Council's 2006 Policy as an active policy (<http://www.dbh.govt.nz/bofficials-earthquake-prone-buildings>, see the excel spreadsheet "Summary of Territorial authorities' earthquake-prone building policies"). The other categories assigned to policies by the Department were passive and active/passive.
14. The Council's intent in the 2006 Policy, as it was finally adopted, was that timeframes for strengthening of the different categories of building identified in the 2006 Policy would be included in the Council's next Policy. The draft policy which the Council had consulted on under the Local Government Act 2002,

using the special consultative procedure, had included timeframes, but submissions received as part of that process caused the Council's Hearing Panel to ask questions about whether timeframes should be included.

15. Advice was received by the Panel that removing the proposed timeframes was not contrary to what was required by the Building Act 2004, but it was also suggested that the Policy should clearly state the approach the Council was taking if the decision was made to remove the timeframes. The report to Council referring to the advice can be found at <http://www1.ccc.govt.nz/Council/proceedings/2006/May/CnclCover25th/EarthquakePronePolicy.pdf>, and the advice was appendix 4 to the report <http://www1.ccc.govt.nz/Council/proceedings/2006/May/CnclCover25th/Clause9Appendix4.pdf>.
16. The Council did remove the timeframes from the Policy, but also resolved to carry out its next Policy review earlier than required by the legislation so the intended timeframes could be included, together with any other amendments that might be required. The Council's resolution specified that "*staff report back to the Council in June 2007 on the policy and any recommended amendments thereto, and annually thereafter, with the policy to be the subject of a full review no later than 2010*".
17. Without timeframes in the 2006 Policy, it is accepted that the Policy was not entirely active, but equally it is submitted that it was not fully passive. An entirely passive policy would mean a Council would take no steps at all in relation to any earthquake-prone buildings except to require strengthening of a building when an application for change of use of a building under section 115 of the Building Act 2004 is made. This is a requirement of section 115, and a Council has no choice in the matter.
18. By way of contrast, under the 2006 Policy, the Council proposed a number of actions. It was to undertake a desktop review of buildings in the district over four years, which would provide information on the likely number of buildings that would need more detailed assessment and strengthening, and would assist the Council to reach an informed decision for appropriate timeframes for the different categories of building. In addition to this step, the 2006 Policy also required that when an application for a consent for a significant alteration to a building was received (significant alteration was defined in the 2006 Policy as

"building work on the structural support of the building or building work that has a value of more than 25% of the rateable value of the building") and the building had an earthquake-prone strength of less than 10% of the Code, the building had to be strengthened to at least 33% of Code as part of the consent. It also provided that owners of buildings with a strength between 10% and 33% would be given consent for alterations, but would generally be advised of the likely need to strengthen or demolish their building within a certain timeframe that would be set under the first review of the Policy.

19. The 2010 Policy cannot be categorised as a "passive" policy. Depending on the category of building (see paragraph 2.2 of the Policy) upgrading of buildings is to be required within 15, 20 or 30 years from the date the owner is notified that their building is potentially earthquake-prone. The 2010 Policy also sets out the requirements for assessments to be obtained on buildings, as well as continuing a requirement for buildings undergoing a significant alteration (a new definition) to be strengthened, but applicable to any building under 33% of code, with the aim of having buildings strengthened to at least 67% of code.

**Dated: 20 December 2011**



Name: DJS Laing / ND Daines

Position: Counsel for Christchurch City Council

"A"

- (iii) Cost of any permanent vehicular crossing as required under any by-law.
- (iv) Deposit for possible damage to streets during building operations. The amount of such deposit, unless prescribed by by-law, shall in all cases be fixed by the Engineer.
- (b) No permit in respect of the work or any part of the work shall be issued until all the said amounts have been paid.

#### Permit Fee to Cover Cost of Examination of Documents and Inspections

213. (a) The permit fee set out in the first part of the Second Schedule hereto shall cover the cost of examination of plans and specifications and other documents and inspections of works during erection and up to the time of completion, except inspections for which a separate fee is provided in the second part of the said Second Schedule.

(b) Any question as to the estimated value of the work for the purpose of computing a permit fee may be determined in his discretion by the Engineer, and his determination shall be final.

#### Deviation from Permit

214. After a permit has been issued no departure shall be made from any of the particulars supplied upon any plan, drawing, specification, or document deposited with the application upon which the permit was issued, unless amended particulars clearly describing the intended deviation are supplied to the Engineer at his office, and the Engineer shall have given his written approval of such deviation.

#### Permit Not to be Deemed to Authorize Otherwise Than in Accordance with Law

215. No permit, permission, certificate, or authority, expressed or implied, given by the local authority or by the Engineer or other officer of the local authority shall authorize any building to be erected otherwise than in accordance with law.

#### Record of Plans, etc., to be Kept by the Engineer

216. The Engineer shall keep a record of all plans and other documents which shall have been submitted to him under this part of this by-law, and such record shall be *prima facie* evidence of the truth of the statements made therein.

#### Permit Void if Active Work Not Commenced Within Six Months

217. Any permit issued for building construction shall be deemed to expire and be void if active work is not commenced thereunder



within the period of six calendar months from the date of issue thereof.

Provided that the Engineer may from time to time by writing under his hand grant an extension of the aforesaid period of six months, should he consider the cause of delay to warrant such extension, and every such extension shall have the effect of continuing the validity of the permit for the period or until the date set out in the extension, but not in any case for a period exceeding six months from the day the extension was granted.

All the works covered by the permission shall be completed within the time stated in such permission.

#### Change of Use or Occupancy

218. (a) When a building has been erected pursuant to the issue of a permit under this Part of this by-law or any other by-law of the Council heretofore in force no person shall thereafter, without the previous written consent of the Engineer—

- (i) Use or occupy such building, or any part thereof, or cause or permit such building or any part thereof to be used or occupied, for any purpose other than that set out in the provisions of such permit: Provided that this subclause shall apply only if the fresh purpose would, if it had been the purpose set out in the application for a permit, have given the Engineer the right under this Part of this by-law to make any additional or other requirement as to design, construction, material, or otherwise, as well as the requirements, subject to compliance with which the permit was deemed to be granted.
- (ii) Affix thereto or place therein or in any part thereof, or cause or permit to be so affixed or placed, any dead load or live load exceeding in weight the maximum loads assumed in making any calculations submitted to the Engineer in connection with the application for such permit.

(b) The Engineer in granting any such consent may impose such conditions as to the period for which the building or any part thereof may be used under such consent, or as to the period during which or the amount by which the said assumed maximum loads may be exceeded, or as to any other relevant matter as he may in his discretion think fit.

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Minutes

13TH ORDER OF THE DAY - REPORT OF THE TOWN HALL AND LIBRARY COMMITTEE:

Moved by Cr Hay  
Seconded by Cr Schumacher

That the Report of the Town Hall and Library Committee (as per copy attached marked "J") be adopted.

Clauses 1-4, inclusive. Adopted.  
Report adopted.

(Cr N. G. Pickering retired)  
(Cr H. E. Denton retired)  
(Cr F.J.R. Skallerup retired)

14TH ORDER OF THE DAY - REPORT OF THE TOWN PLANNING COMMITTEE:

Moved by Cr Glue  
Seconded by Cr Hattaway

That the Report of the Town Planning Committee (as per copy attached marked "K") be adopted.

Clauses 1-13, inclusive. Adopted.  
Clauses 14-20, inclusive. Held over to be taken in Committee at a later stage of the meeting.

(Cr N. G. Pickering returned)  
(Cr H. E. Denton returned)  
(Cr F.J.R. Skallerup returned)

15TH ORDER OF THE DAY - REPORT OF THE TRAFFIC COMMITTEE:

Moved by Cr Amos  
Seconded by Cr Britten

That the Main and tabled Supplementary Reports of the Traffic Committee (as per copy attached marked "L") be adopted.

Clauses 1-13, inclusive. Adopted.  
Clause 14. This clause was adopted after Section (c) had been amended to read "That the tender as submitted by Dominion Motors Limited for \$864.00 be accepted". (See Clause 2 of Supplementary Report.)  
Clause 15. This clause was adopted after the recommendation had been amended to read "That Council authorise the purchase of 4 Suzuki 250 c.c. motor cycles at a nett price of \$204.57 and 4 Yamaha 250 c.c. YDS5E motor cycles at a nett cost of \$320.00". (See Clause 3 of Supplementary Report.)  
Clause 16. Adopted.  
Clauses 17-19, inclusive. Held over to be taken in Committee at a later stage of the meeting.  
Supplementary Report Clause 1. Annual Report 1965/66: It was resolved that this Report be received and that adoption be deferred until the next Council meeting.

Dealt with on F.57242

17. 7. 67

Town Plan.6. N.Z.S.S. 1900 - PROPOSED NEW BY-LAW:

Amendments to the above New Zealand Standard covering building requirements are being written and cross references with existing By-laws being checked for adoption of N.Z.S.S. 1900 as soon as possible.

As nearly all local authorities are at present working to N.Z.S.S. 1900 (though not legally adopted) it is recommended that Council approve the use of N.Z.S.S. 1900 also. Subject to the adoption of this recommendation, it will be necessary that N.Z.S.S. 1900 be worked to entirely, i.e. that the use of mixed provisions - Standard Specification and By-law - be not permitted.

7. CLIFTON AREA SEWERAGE - SECTION 5:

The Secretary of the Christchurch Drainage Board has advised that the sewerage of the lower side of Panorama Road was included in the Board's programme as Section 5 of the Clifton area. Recently, however, the Board decided not to proceed with this work in the meantime and directed that it be placed on the list of miscellaneous areas. This list includes those areas which the Board plans to sewer but for which no priority has yet been set.

The Council is asked whether it would be prepared to co-operate with the Board by ensuring building permits are not issued in the Clifton area where the building will not have an immediate connection to the sewer.

It is recommended that the Board be advised that the Council is agreeable to co-operate as requested.

8. CONDITIONAL USE APPLICATIONS (UNOPPOSED):

Listed, hereunder, are applications which were advertised, no objections being received thereto:

- (a) Use of Flats as Motels, 481 Manchester Street:
- (b) Convert Dwelling into Two Flats, 42 Redruth Avenue:
- (c) Use of Property as a Car Sales Yard, 219 Waltham Road:
- (d) Alter Two Flats to form Three Flats, 15 Ngarimu Street:

These applications have been approved, subject to certain conditions.

Confirmation of this action is recommended.

9. APPLICATIONS HEARD BY THE DISTRICT SCHEME PANEL:

The following applications have been heard by the Panel since the last meeting of the Council:

- (a) Specified Departure - Off-Street Loading Dock, Rear Portion of No. 144 Peterborough St.:

Applicant: Bascande limited

Approved Zoning: Residential "B"

" C "

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CLAUSE 5. NEW BRIGHTON ROAD/BOWER AVENUE INTERSECTION:

The Acting Chairman took no part in the discussion or voting on this clause.

After Cr Pickering had reported on behalf of the Sub-Committee that had visited the site and conferred with representatives of Ballins Industries Limited, it was resolved that provision for the car park be approved.

In accepting with thanks, the offer of Ballins Industries Ltd to meet two thirds the cost of the parking area, it was resolved that the work proceed when the City Engineer is able to arrange the balance of the finance.

CLAUSE 6. CITY ENGINEER'S DEPARTMENT STAFFING - SENIOR DIVISIONAL ENGINEER:

It was resolved that a Sub-Committee of the Acting Chairman and Councillors Carter, Hattaway and Pickering be empowered to interview the applicants and make an appointment.

THE CITY ENGINEER'S REPORT was submitted, as per copy attached, and dealt with as follows:

CLAUSE 1. DESIGN STANDARDS FOR LOAN WORKS:

It was resolved that the Loans Board be made aware of the anomaly and asked why the Commissioner of Works is insisting on the use of Ministry of Works design code at a time when the Minister of Works is encouraging all local authorities to use N.Z.S.S. 1900.

CLAUSE 2. STUDENT LABOUR FOR TRAFFIC ENGINEERING:

It was resolved that an expenditure of \$500.00 be approved for the employment of student labour during the August school holidays.

It was further resolved that different High Schools be given the opportunity to participate in the counting from time to time.

CLAUSE 3. KENT STREET WIDENING:

It was resolved to recommend that the offer of Modern Equipment Limited be accepted and that Council pay legal, survey and transfer expenses.

CLAUSE 4. HEAVY VEHICLE LOADS:

It was resolved that the information be received and noted.

CLAUSE 5. QUOTATIONS FOR OIL AND GREASE:

It was resolved to recommend that Castrol Limited be accepted as suppliers of petrol and diesel engine oils and gear box and differential oils for a period of three years, Shell Oil Company to supply hoist oil for a similar period and Caltex Oil Limited to supply greases for three years.

CLAUSE 6. HAZELDEAN ROAD WIDENING:

It was resolved to recommend the adoption of this clause.

City Engineer's Department,  
Christchurch City Council,  
CHRISTCHURCH. 1

8th August, 1967.

The Chairman & Members,  
Water Supply & Works Committee,  
Christchurch City Council,  
CHRISTCHURCH.

Gentlemen:

1. DESIGN STANDARDS FOR LOAN WORKS

Generally when buildings are erected by the City Council either for its own use or for lease, they are designed to the standards laid down in the By-Laws or, as is now permitted, to N.Z.S.S. 1900, the New Zealand Standard Model Building By-Law.

When a project is financed out of revenue or other Council held funds, it is sufficient that the design be approved by a registered engineer; usually this means the City Engineer.

Should loan finance be contemplated then it is necessary to obtain the approval of the Local Authorities Loans Board which is responsible for examining the suitability of submitted projects for financing in this way. The Loans Board must ensure that loan money is well invested, particularly it must be satisfied that the economic life of the project will be in excess of the loan repayment period.

To assist it in making decisions, the Loans Board is authorised to obtain advice from other Government Departments - in the case of normal buildings the Ministry of Works.

During the last few years there has been a good deal of correspondence with the Ministry of Works, Head Office, concerning Loans Board approval of designs for the flats now being erected in Salisbury Street. These are designed in accordance with N.Z.S.S. 1900 but in a number of respects the Ministry of Works do not consider them satisfactory. They evidently consider that all building for which Loans Board approval is required should be designed to their own more stringent code "Design of Public Building" and in a recent letter - June 7th, 1967 - the Commissioner of Works states that -

"In future I cannot recommend financial support for construction not in accordance with our code of practise..."

There is little doubt that the overall effect of the Commissioner's ruling will be -

- (a) To increase the Unit cost since the Ministry of Works code sets a higher strength standard than N.Z.S.S. 1900.
- (b) Make Council building less competitive with similar buildings constructed by private concerns or, for that matter, with a Council building constructed out of revenue.

It is not clear what the position will be on a project such as the City Abattoir where the loan forms only a small part of the total cost. If the Ministry of Works was to insist on a higher standard than the By-Law would suggest, it could pay to delay construction and build the whole of the works from revenue.

Recommendation: That the Loans Board be made aware of the anomaly and asked why the Commissioner of Works is insisting on using the Ministry of Works design code at a time when the Minister of Works is encouraging all local authorities to use N.Z.S.S. 1900.

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- CLAUSE 8. CARAVAN SHELTER IN FRONT OF DWELLING -  
178 ROSE STREET:
- It was resolved that this application be referred to the Inspecting Sub-committee.
- CLAUSE 9. CAR PORT IN FRONT YARD -  
34 SMITH STREET:
- It was resolved that the application be approved, subject to the car port being sited 5' from the side boundary.
- CLAUSE 10. GARAGE IN FRONT -  
24 FLEMING STREET:
- It was resolved that the application be declined as access to the rear is available.
- CLAUSE 11. CARPORT IN SIDE COURT -  
8 BLETSOE AVENUE:
- It was resolved that the application be referred to the Inspecting Sub-committee.
- CLAUSE 12. CARPORT IN REDUCED YARD -  
7 TRAFALGAR STREET:
- It was resolved that approval be granted.
- CLAUSE 13. GARAGE IN FRONT -  
30 OCEAN VIEW TERRACE:
- It was resolved that the application be approved, subject to the requirements of the District Engineer.
- CLAUSE 14. STORMWATER DRAINAGE -  
111 HUNTSEBURY AVENUE:
- It was resolved to recommend that a formal Notice be served on the owner to comply under the provisions of the Municipal Corporations Act 1954, Section 224.
- It was agreed that as this Notice is likely to be the first of many, a draft Notice be referred to the City Solicitor for consideration.
- CLAUSE 15. NON-COMPLIANCE WITH ENGINEER'S NOTICE -  
215 MAIN NORTH ROAD:
- It was resolved to recommend that the matter be referred to the City Solicitor for legal action.
- CLAUSE 16. BRIEF EXPLANATION OF BY-LAW NO. 51  
(BUILDING) 1969:
- In view of the importance of the proposed By-law, it was resolved that a special meeting on the matter be held on a date to be arranged.
- CLAUSE 17. REDUCED COURT -  
10 PLOVER STREET:
- It was resolved that the applicant be permitted to carry on with the construction of the dwelling with 9' and 5' side courts.

14. STORMWATER DRAINAGE  
111 Huntsbury Avenue

A permit was issued in 1950 to erect a dwelling at the above address. As there were no houses on the downhill side at the time, it was agreed to permit 100 feet of field tile with sumps for disposal of sewage and stormwater. This system was not installed, the house being connected to a foul sewer provided by the Drainage Board.

Since then a neighbour on the downhill side has experienced considerable trouble from stormwater and the owner of 111 Huntsbury Avenue has been requested to pipe his stormwater to the side channel. Although the foundations of the house are below the road level the roof guttering is above road gutter level.

Mr I.G.B. Wilson of Davie, Lovell-Smith and Partners, has on behalf of the owner (Mr T.F. Thompson) entered into lengthy correspondence with the department advising that no nuisance is recognised and that therefore they have no proposals to comply with the requirements of this department.

Recommendation: That a formal notice be served on the owner to comply under the provisions of the Municipal Corporations Act Section 224, and that as this notice is likely to be the first of many that the City Solicitor draft a suitable notice.

15. NON COMPLIANCE WITH ENGINEERS NOTICE  
215 Main North Road

Owner: A.J. Brown

Zoning: R/1

On 26th February 1969 an Engineers Notice to Remove was served on the owner to demolish a structure 20'x 8' (being used for commercial purposes on a residential site and erected without a Building Permit). To date, nothing has been done by the owner to comply with the Notice.

Recommendation: That the matter be referred to the City Solicitor for legal action.

16. BRIEF EXPLANATION OF BY-LAW NO.51 (BUILDING) 1969

The Bylaw No.51 will replace the present Building By-Law No.44(Building) 1962 which will be repealed when By-Law No.51 is adopted. The new By-Law is made up of the following parts :-

1. Preliminary Statement.
2. Subject Matter, i.e. List of Chapters of N.Z.S.1900.
3. Alterations to N.Z.S.1900.
4. Supplementary Clauses.
5. Accessory Buildings in Residential Zones.

N.Z.S.1900 contains basically the same information as N.Z.S.95 which it supersedes. In detail, it makes more allowance for design against earthquakes. All other Councils in the Christchurch Metropolitan area have already adopted N.Z.S. 1900 as their building By-Law.

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Subject Matter of N.Z.S.1900

Chapter 1	Preliminary	)	
Chapter 2	Building Permits	)	
Chapter 3	General Requirements	)	Similar to previous Bylaws and generally self explanatory.
Chapter 4	Residential Buildings	)	
Chapter 5	Fire Resisting Construction: This Chapter is relevant to all Industrial and Commercial building. Generally it is more logical than previous codes and attempts to relate fire risk, fire compartment area and separation distance. Within the central area the new Bylaw is very little different from Bylaw 44 and in the outer areas generally allows bigger buildings for a given construction type. The fire ratings of various building elements are detailed in associated documents especially prepared by the New Zealand Standards Institute (M.P.9/1 to M.P.9/9). Apart from multi-unit flats, residential buildings are not really affected by Chapter 5 and the requirements for outbuildings and garages are covered by a special chapter. (Chapter 21).		
Chapter 6.1	Timber	)	These give details of required standards of construction.
Chapter 6.2	Masonry	)	
Chapter 7	Chimneys	)	

The remaining Chapters deal with the requirements of detailed design and will be of interest to the design engineer only. In most cases these represent the requirements of accepted design practice.

Chapter 8	Basic Design Loads
Chapter 9.1	Timber Design
Chapter 9.2	Masonry Design
Chapter 9.3	Concrete Design
Chapter 9.4	Steel Design
Chapter 10	Non Structural Walls
Chapter 11.1	Concrete Structures for Liquid Storage
Chapter 11.2	Farm Buildings.

Supplementary Clauses

These clauses are similar to clauses contained in Part XX of Bylaw No.44 and cover subjects which are not clearly dealt with in the standard documents.

Accessory Buildings in Residential Zones

These clauses define the requirements which apply to the building of garages etc. Apart from increasing the fire compartment size for garages with walls having a fire resistance rating of one hour from 400 sq.ft. to 500 sq.ft. the Bylaw is similar to the present Bylaw.

Recommendation: That this Committee recommends that the Council, by special order, in accordance with the requirements of Section 392 of the Municipal Corporations Act 1954, adopt Bylaw No.51 as the Building Bylaw of the Corporation of the City of Christchurch and that the existing Bylaw No.44 be repealed. That the Council publicly notify the resolution making the order and that the Council confirm the resolution at a subsequent meeting.



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Dealt with on F.60431/60452  
Notice  
of Motion

5 cont'd

(c) THAT the Christchurch City Sinking Fund Commissioners -Albert Ronald Guthrey,  
Harold Parnwell Smith, and  
Maurice Bernard Hayesbe and are hereby appointed Sinking Fund Commissioners  
in respect of the above Loan."6. CONFIRMATION OF A RESOLUTION MAKING A  
SPECIAL ORDER TO MAKE THE CHRISTCHURCH  
CITY BY-LAW NO. 51 (BUILDING) 1969:

The Town Planning Committee has considered some amendments to this By-law, most of which relate to minor changes which correct drafting, spelling and grammar. The Fire Protection Committee of the Standards Association has recently approved a new wording for Clause 5.14 of N.Z.S.S. 1900, Chapter 5 1963, and this requires the definition of "member" and a replacement clause. A quite major change is the definition of "building". A recent prosecution in Gisborne was dismissed because the Magistrate felt that the definition was too wide to be reasonable. The new definition follows the philosophy used in the Christchurch City By-law No. 15. A definition of "building" is given and then a list of buildings exempt from the provisions of the By-law is stated. The amendments are referred to in the resolution hereunder.

The following resolution should be adopted:

THAT the public notice required by Section 77 (c) of the Municipal Corporations Act, 1954, having been given in the Christchurch Press newspaper on Thursday, 24th July, and Monday, 11th August, 1969, and the notice required by Section 77 (d) of the Municipal Corporations Act, 1954, having been delivered under the hand of the Town Clerk to every member of the Council, the following resolution passed at a Special Meeting of the Council held on the 21st day of July, 1969, be and the same is hereby confirmed (subject to the amendments listed thereunder), viz.:

"THAT the Christchurch City By-law No. 51 (Building), 1969, be adopted."

Amendments:

- Page 2. Section 6 (iii). Replace the fullstop after the word "Zones" with a comma, and replace the Capital C of the word "Copies" with a small c.
- Page 5. Replace the heading "Alterations to N.Z.S. 1900" with "Alterations to N.Z.S.S. 1900".

At the end of Clause 1.1.1 add the following:

Delete the definition of building and replace with:-

BUILDING is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

EXEMPTED BUILDINGS: The following buildings shall be exempt from the operation of the provisions of this By-law other than Chapter 5.

Dealt with on F.60451/60452

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- (1) Any temporary shed, office, or workshop erected by a contractor and required in connection with works being undertaken by that contractor. Any such shed, office, or workshop shall be removed upon completion of the work.
- (2) Scaffolding erected under the provisions of the Construction Act, 1959, or under the provisions of any Act or Regulations enacted pursuant to the said Act or any Act amending the same or in substitution therefor.
- (3) Any tower or pole supporting communication lines, street lights or power transmission lines owned or controlled by a public or local authority.
- (4) Any radio or television mast which does not exceed 20 feet in height above the point of support.
- (5) Any building of less than 40 square feet in plan and less than 4 feet in height.
- (6) Any retaining wall the height of which does not exceed 4 feet from the bottom of the footing and which does not support any surcharge.
- (7) Any fence, wall or hoarding:
  - (a) being of concrete or masonry and of a height not exceeding 6 feet from the lowest ground level adjoining, or
  - (b) being of material other than concrete or masonry not exceeding 8 feet from the lowest ground level adjoining, or
  - (c) being a framework supporting netting or mesh or wire or similar material of a height not exceeding 12 feet from the lowest ground level adjoining.
- (8) Any tank or pool which has a capacity of less than 5,000 gallons and is supported directly by the ground or any tank of a capacity less than 400 gallons supported less than 6 feet above the ground.
- (9) Any caravan so long as the same is used for or in connection with the transport of persons, chattels or property.

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In Clause 4.21 delete the word "will" and substitute the word "shall".

After Clause 5.2.1 defining mazzanine floors, add a further Clause 5.2.1 as follows:

"MEMBER" means any member forming part of the structural frame of a building, and may include walls, floor slabs, beams, columns, trusses, and the like.

Dealt with on P.60451/60452

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After Clause 5.12.2, add the following clause:Clause 5.14 Portal Frame Structures

Delete Clause 5.14 and substitute the following clause:

5.14 Stability of External Walls:

5.14.1 In any building that relies for its structural stability on members to which Table 3 does not apply, then for any external wall that is within a horizontal distance of 10 feet or its own height, whichever is the greater, from a boundary, including a boundary to a street or public place, either:

(a) Where the external wall is structurally independent it shall be designed to resist the full lateral loadings required by Chapter 8 of this by-law; or

(b) Where the external wall is normally dependent for its structural stability on any member or members that are not elsewhere in this Chapter required to have a fire resistance rating, either:

(1) The wall itself shall be designed to resist the greater value of the following lateral loads, at the increased permissible stresses for the particular material used, without assistance from such members:

Half the lateral seismic load as required by Chapter 8 of this By-law.

Two thirds of the wind load as required in Chapter 8 of this By-law.

or

(2) Such members shall have the minimum F.R.R. set down in Table 2 for the external wall or a F.R.R. of 1 hour whichever is the lesser.

5.14.2 The provisions of clause 5.14.1 (b) (1) and (2) shall not apply to any external wall when all members on which the wall depends for its stability are in a fire compartment or part of a fire compartment protected by an approved automatic sprinkler system.

In the last line of Clause 5.30.4, add the words "of any storey" between the word "area" and the word "does".

In Clause 5.73 delete the words "Emergency Lighting. In every theatre, cinema and public hall an emergency lighting system shall be installed etc...".

Page 10.Delete sub-clause (d) of Clause 20.3.

Dealt with on F. 80481/80482

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Clause 20.13 Residential Building Stairways. Delete sub-clause (a) and replace with the following:

"(a) Notwithstanding anything to the contrary contained in the provisions of Clauses 5.1.1 (ii) and 5.43.1 of Chapter 5 of this By-law a stairway in a residential building hereafter erected shall comply with the tread and riser requirements of Clause 5.43, shall be provided with guard rails in accordance with Clause 5.43.7, and shall have the height clearance required by Clause 5.47.1 of this By-law."

Clause 20.14. In the second to last line of this clause, add the word "safety" before the word "requirement" and alter the word "requirement" to read "requirements".

Clause 20.16. Replace the heading "Stormwater Drains" by a new heading reading "Stormwater Drains Through Footways" and in the first line of this clause, delete the word "across" and substitute "through".

Page 15. Clause 20.24. In the second line of this clause, delete the words "to change" and substitute "or change".

Page 16. Clause 20.25. Delete the word "Practices" and substitute "Practice".

Clause 20.28. In sub-clause (1), delete the word "will" and substitute "shall". Delete all of sub-clause 2 and substitute the following sub-clause (2):

"All facings shall be left intact unless special provision is made for flashing and waterproofing."

Delete all of sub-clause (3) and substitute the following sub-clause (3):

"In exposed locations, flashing shall be provided around all openings."

Clause 20.29. In the second to last line, delete the words "will be permitted" and substitute "shall be used".

Page 17. Clause 20.32 (e). Delete "Clause 20.34" and substitute "Clause 20.32" and delete "Chapter 20" and substitute "Schedule B".

Page 18. Clause 20.34 Maintenance of Exitways. Delete all of the words in this clause and substitute the following:

"Exitways shall at all times be maintained in good, safe, usable condition."

(See By-law which is tabled.)

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Deal with no. P. 63481/432

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It is recommended that the following resolution be adopted:

"That the Christchurch City By-law No. 51 (Building) 1968, shall come into force on the 1st day of September, 1968."

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Minutes

10TH ORDER OF THE DAY Continued

6. Confirmation of a Resolution Making a Special Order to Make the Christchurch City By-law No. 51 (Gilding) 1969:

It was resolved, on the motion of Cr Mattaway seconded by Cr Cowles

That the two resolutions contained in this clause be adopted.

20TH ORDER OF THE DAY - QUESTIONS:

Suggestion of Peacocks in the Grounds of Mona Vale:

Cr Garrett asked that the Mona Vale Management Committee gives consideration to some peacocks being kept in the grounds of Mona Vale as they had proved to be a very popular attraction at "Glenfalloch" in Dunedin. The Mayor said that the Committee would consider Cr Garrett's suggestion.

Charges - Toast Rack Vehicle - Botanic Gardens:

Cr Pickering asked the Mayor whether it was intended to make various charges for rides in the proposed Toast Rack Vehicle in the Botanic Gardens, and the Mayor said that he personally felt that some charges could be made but this would be determined by the appropriate Committee and then by the Council.

Signs - North Hagley Park:

Cr Stillwell asked the Chairman of the Parks and Recreation Committee whether some of the many signs in North Hagley Park could be removed, and Cr Skallerup, in reply, undertook to have the Committee investigate this matter.

Captain Cook Bicentenary Celebration Sub-Committee:

Cr Skallerup stated that, as a member of the Captain Cook Bicentenary Celebration Sub-Committee, he was interested to know when a meeting of the Sub-Committee would be convened and the Mayor, in reply, gave Cr Skallerup an assurance that a meeting of the Sub-Committee would be convened in the near future.

21ST ORDER OF THE DAY - NEW BUSINESS:

Nil.

The meeting here adjourned (10.57 p.m.) for the Special Meeting convened for 8.30 p.m., 9.30 p.m. and 10.45 a.m.

The ordinary meeting resumed, the usual Council being present.