



# Building Post

## Welcome to the September Building Post

Only 3 months to go until Christmas and still a heap of work to get through. What a year we have all had so far. Already we have issued 218 new dwelling consents with a value of \$82,346,151. And what's more, the applications are still rolling in. Every time there is a release of new 224 certificates for a new subdivision the application for new dwellings jumps. Is it going to tail off?

To combat the increase in consents and to fill the vacancy created by Graham Allum's retirement (28 September) we have appointed two new Building Control Officers.

## Graham Allum Retires

Well, as the saying goes "all good things must come to an end". As stated above, we said goodbye to Graham on 28 September. Graham has been a very professional, passionate and highly skilled member of the Building Control Group. His dry sense of humour has never gone amiss in the office or out in the field. Graham has managed some very big jobs in his time here. The new Wairau Hospital complex, the ASB Theatre and a large number of new dam projects, to name a few. Graham started with us on 26 June 2006 after being head-hunted by Graham Roberts, Building Control Group Leader at the time, from Western Bays (yes, yet another North Islander). Graham Roberts convinced Graham Allum that the move here would be wonderful for him and his wife, Anna, as it never rained or blew in Marlborough. Just a small white lie.



The Building Control Team wish Graham all the very best for the future.

## Diplomas

On Thursday 7 September we presented Gordon Sumption and Sam Archer with the National Diploma for Building Control Surveying (Small Buildings) Level 5.



Gordon and Sam had both done extremely well in achieving their diplomas in such a short timeframe. Both are now registered with the Skills Organisation to complete their Level 6 diploma which is for medium to large buildings. Once again they will only have a short timeframe to complete. Target date is December 2019.



## Building Control Officer

## Introducing Our New Staff

### Dhyanam (Danny) Gala

My inquisitiveness for infrastructure can be traced down to my days in India where I used to get fascinated with the iconic structures and dignified monuments which still stood high after so many decades based on engineering genius, precision and ability of mind with high calibre. The young passion led by the driving force of my interest in civil engineering helped me in sharpening my skills as a site civil engineer to provide solutions to building problems like design, planning, contract specifications and execution to deliver quality focused results on time and within budget. This phase of practical exposure at work allowed me to understand the importance of management in the construction industry and made me realise that my management skills were insufficient to accomplish my dream of pushing the construction industry towards a sustainable and eco-friendlier world. With this, I excitedly looked towards New Zealand to pursue my Masters of Engineering Studies in Construction Management with the tracks that are been offered to hone my skills amidst the construction boom.

With the seeds of my professional career already sown over the past few years, the roots of enhanced learning are spreading at Marlborough District Council broadening my perspective of building industry for a rewarding experience. MDC's work culture and people are a great motivator for me to progress ahead - I feel proud to work for such a highly-regarded community. As a Building Control Officer, I would like to use the knowledge that I have acquired to ensure and promote safe, healthy and sustainable buildings, while making it easier to build compliant developments. I also see it as a chance to grow as a leader and make myself capable of taking up a management position to help mould the next generation of thinkers and doers towards the application side of the sustainable building industry.



Thanks for taking the time to get to know me!

## Senior Building Control Officer's Forum

Jeff Atkinson and I attended the forum at Te Papa on 23 and 24 August. The forum features a number of building industry representatives including MBIE, Worksafe, product and system suppliers. The message is clear that the industry never stands still when it comes to added compliance issues, performance issues and the regulatory environment. This year alone, the industry has had to adapt to changes with swimming pool requirements, earthquake prone buildings (including an emergency requirement to address unreinforced masonry parapets and facades in the Wellington, Marlborough, Hurunui and Kaikoura areas), Building Code requirements and product issues.

A really good presentation came from a young graduate architect, Jun Kim. After completing two years of his studies Jun started work as a trainee Building Control Officer for Western Bay of Plenty District Council. Jun talked about his learnings at building control and how he would include those new skills to his studies as an architect. Jun confirmed that during his studies he had had very little in the way of introduction into the compliance world of the building industry. His time at Western Bays provided him with in-depth knowledge of the Building Act, Regulations and Building Code. These learnings introduced into his role as an architect were invaluable. His talk also opened Council's eyes to another avenue for recruitment. Getting these young professionals into the building control industry can only be a good thing for all working in the building industry.

Another reminder came out about asbestos. Basically there is no such thing as safe asbestos. If you have contact with it, then you are at risk. I was always under the misguided assumption that very little asbestos was used in products that I bought as a builder. I was shocked to hear how wrong I was. Apparently many common products had asbestos of some sort in their makeup right up until 1999-2000. That's a worry. This issue is something the design industry needs to consider for alteration work. The Building Code "F2" needs to be considered and addressed when applying for a building consent. Don't forget that the objective of F2 is: ***"The objective of this provision is to safeguard people from injury and illness caused by exposure to hazardous materials"***. "People", that's you and your family. I was amazed to hear that washing clothes contaminated with asbestos has led to people suffering from asbestosis. The prognosis from that isn't positive.

## The Industry Never Stands Still

## Time to Skite

As a result of the 2011 Christchurch earthquake the Building Control Group considered the issues around the massive amount of data collected each day from the rapid response, how to manage it and how it should be recorded on the appropriate property file. We knew this work would be a huge task. We looked at a number of digital solutions, with some showing that they could help, but they really never met our expectations. We carried on searching for a better solution until in 2016 our IT Team found an off-the-shelf product developed by ESRI to allow for spatial information to be captured in the field on mobile devices. The IT Team along with Building Control set up our own custom form (based as per MBIE's Rapid Response Form) to capture information for each property inspected during an emergency event. We also created a dashboard so we could quickly view the results of each inspection. We were very lucky as we had completed the initial configuration only days before the Kaikoura earthquake struck and the earthquake was the first time the app was used! That development has now received the recognition that it deserves.

### Award - Comments from Award Ceremony

Marlborough District Council won the Best Use of Social Media or App Award at the Association of Local Government Information Management Web and Digital Awards recently. The award is for Council's emergency response building app. The app allowed our Building Control Team to record inspections of properties affected by the November earthquake, often in remote locations on the East Coast and in the northern Kaikoura district.

The real power of the app wasn't just in its usability in the field. Inspections were synched back to a cloud-based system as soon as an inspector had mobile coverage. Information received was displayed on a dashboard (on large TV or screen). This information allowed the Building Control Team to see a picture of the damage as it unfolded in real-time.

The judges were impressed by the app's usability and the power of the system for decision-makers. The new system means there are no data entry delays or data integrity issues, such as those that can happen with paper forms. This real-time information was made available to other stakeholders, such as the Ministry of Business, Innovation and Employment (MBIE) and the Earthquake Commission.

Council continues to evolve the digital services it offers for customers. The recent project to update the website [www.marlborough.govt.nz](http://www.marlborough.govt.nz) to integrate more closely with other digital services was judged runner-up for the digital project of the year award.



*Digital  
Solutions*

## Asbestos Risk

### Following on, more information from Rachel Rait

## Asbestos and Soils

When older houses have been demolished or burnt down there is potential for soil contamination. The NZ Guidelines for Assessing and Managing Asbestos in Soils is due to be released on 6 November 2017. This is being produced by BRANZ and NZ Asbestos Advisory Group (NZAAG). Due to the nature of the risk, the Health and Safety at Work Act 2015 must be adhered to at all times. Asbestos in soil also falls under the contaminated land National Environmental Standards and the controls imposed by the Resource Management Act 1991. The objective of the guidelines will ensure management of asbestos in soil aligns with regulatory requirements and accepted risk in a New Zealand context and is reflected in the guidelines' structure and the decision flow chart ([https://www.branz.co.nz/cms\\_show\\_download.php?id=d3bc039db4d51b5a78f6b918f45b04309e5b10f5](https://www.branz.co.nz/cms_show_download.php?id=d3bc039db4d51b5a78f6b918f45b04309e5b10f5)).

More information can be found on the website ([https://www.branz.co.nz/cms\\_display.php?friendly\\_url=asbestos](https://www.branz.co.nz/cms_display.php?friendly_url=asbestos)).

## Contamination from Burn Piles

Burn piles may only burn authorised material. Material from building sites such as treated timber, wall linings, painted or stained wood, flooring or metals are prohibited to be burnt. If these are burnt then there is likely to be contamination of the underlying ground. Please ensure disposal of rubbish and building material to the authorised facility. Prohibited material that cannot be burnt is outlined in the Marlborough Environment Plan.

**Prohibited Activity:** Discharge of contaminants to air arising from the burning of any of the following material:

- a) wood having a moisture content of more than 25% dry weight;
- b) wood which is painted, stained, oiled or coated;
- c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome- Arsenic;
- d) pellets containing greater than 10 mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- f) metals and material containing metals including but not limited to cables;
- g) material containing asbestos;
- h) material containing tar or bitumen;
- i) all rubber, including but not limited to, rubber tyres;
- j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating material, or any type of plastics;
- k) waste oil;
- l) peat;
- m) sludge from industrial processes;
- n) animal waste (except animal waste generated on production land), medical waste,

## Only Burn Authorised Material





## Disturbing and Removal of Soil

Anyone planning to move soil, excavate, build, subdivide land or change land use, or undertake any activity that may disturb the soil, should be aware that they must check the potential for soil contamination before any work begins. The Ministry for the Environment has identified 53 activities and industries associated with an elevated risk of contamination and they are set out on its Hazardous Activities and Industries List (HAIL). Some sites, where previous activity is known to create a risk, may be formally listed as HAIL sites. Work should not proceed until it has been assessed under the National Environmental Standards for Contaminated Soils.

Some examples:

- Timber treatment and storage of treated timber
- Orchards, horticulture and vineyards
- Storage of hydrocarbons (diesel, petrol, etc) and coal
- Land filling and waste disposal
- Chemical storage
- Vehicle and machinery workshops
- Engineering workshop and metal fabrication
- Asphalt manufacture or bulk storage
- Scrap yards
- Service stations
- Livestock dipping
- Glasshouses
- Market gardens
- Sports fields and sports greens
- Asbestos and lead paint (old houses, sheds, demolished buildings)

Remember to check if the site you are working on has had HAIL activity. Contractors have a responsibility to ensure they are not disturbing HAIL sites and potentially contaminated soils. Check the potential for risk by consulting the HAIL list.

- If you identify current or past activities on the site are on the HAIL list, talk with Council or refer to the Contaminated Land Page on the Council website for more information as to how to proceed.
- Information on land use activities can be found in Council records (historical aerial photos, property records, HAIL database).
- If there is a possibility the site may be contaminated then soil may need to be tested (check with a suitability qualified and experienced practitioner (SQEP)).
- Site assessments should be made by a SQEP.
- Ensure only clean soil is accepted from any site.
- Do not carry soil to a cleanfill site unless it meets the cleanfill acceptance criteria.

**Note:** A site may be acceptable for residential development but the removal of soil from that site if the contaminants are still above background values means it is still “elevated” and needs to be dealt with appropriately by disposing at the correct facility. Resource consent may be needed and one must check before moving the soil off site. If you are not sure please check with Council. The reason behind this is that soil may be taken to areas that are more sensitive with respect to human health or environmental impact and therefore should be managed appropriately.

**In Final:** A lot of this information is similar to previous Building Post articles. Unfortunately much of that information has fallen on deaf ears as Council is still having to deal with these issues all of the time. These issues are not going to go away.

*Check  
for  
HAIL  
Activity*

Is  
Building  
Consent  
Required?

## Un-consented Work

### Why do it?

#### Section 40 of the Building Act 2004 states:

Buildings not to be constructed, altered, demolished or removed without consent

- (1) *A person must not carry out any building work except in accordance with a building consent.*
- (2) *A person commits an offence if the person fails to comply with this section.*
- (3) *A person who commits an offence under this section is liable on conviction to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence has continued.*

Yes there are some exceptions, with the main exception being work identified under Schedule 1. I have referred to this many times in past Building Posts. If you want to know more, go to our website. It's there for everyone to use.

This article is more about work that does require building consent.

As some of you are finding out, there are more and more private individuals searching our files online. Real estate agents, lawyers, solicitors, loan institutions and insurance companies all use our files to check if structures have the correct building consent documentation in place. LIMs for property sales and builder's reports all identify to the purchaser work that should have had building consent to complete.

All of that means that you can be certain that at some stage the unconsented work is going to get highlighted. If you have undertaken work without a consent and Council is notified, the Council is tasked with taking the appropriate action. As you can see, under the Act the fines are quite substantial. As well, the person undertaking the unconsented work can be issued an instant infringement notice. For unconsented work the fine is \$1,000. If that work has a negative effect on the safety of a building (especially a commercial building) you may receive an infringement up to \$2,500. Licenced Building Practitioners can be taken to the LBP Board and dealt with there as well. Also for plumbers, gas fitters and drainlayers, you can be taken to the PGD Board and dealt with through their system.

From a less formal view, you will potentially be dragged into proving that your work meets the requirements of the Building Code through the Certificate of Acceptance (COA) process. This is an expensive and time-consuming process. Right now we are receiving more than ever COA applications and these are not as a result of the earthquake. The COA applications must be processed within 20 days, just like another building consent, so any increase in their numbers just results in slowing down the processing of legitimate building consent applications.

On a positive note, if you have a situation where work requiring a building consent needs to be undertaken under urgency, say for example a failed effluent system or a collapsed retaining wall, please contact us immediately. In most cases that work can be undertaken and a COA can be processed after the event without any repercussions to the property owner or the persons undertaking the work.

**Final Note:** If it requires a building consent, get a building consent. It will save you and your client a lot of future heartache and expense.



## Emergency Works

As a direct result of the November 2016 earthquake, Building Control communicated with industries whose built structures had been damaged, the wine industry being one of the main industries affected. Building Control advised industry representatives that emergency work could be undertaken without a building consent on the condition that, once completed, the property owner, or the representative, would apply for a Certificate of Acceptance (COA) to cover that work. The Building Control Group also provided guidance documentation on exempt work, Schedule 1.

To date the Building Control Group has not received any COA applications to cover those works. Certainly work undertaken from here on in would not be considered emergency works and definitely requires a building consent. If you need clarification please contact us before starting the work.

## Finishing the Project (Commercial)

Council continues to expend resources (\$\$\$) on the problem of buildings operating without a Certificate of Public Use (CPU), and/or a Code Compliance Certificate (CCC) and/or a Compliance Schedule (CS) / Building Warrant of Fitness (BWoF).

This problem is of particular concern where a building contains, or is required to have, life safety features, i.e. Specified Systems (SSs) and the building is occupied. SSs are required to be listed on a CS, which in turn activates the requirement for a BWoF. Council often has buildings operating for months and years without a CS/BWoF when there are SSs installed in the building. This poses an issue of possible life safety non-compliance as Council has no evidence that the required SSs are being maintained, tested; or even if they are installed at all.

Council has, in the past, withheld issuing a CS until such time as a CCC is issued. This policy was a direct reading of Section 101(2) of the Building Act 2004. However, recent guidance from the Ministry for Building, Innovation and Employment (MBIE) indicates there is nothing precluding a CS being issued prior to the CCC. This is in line with the wider intent of the Act.

Therefore, Council will in the future adopt a more rigorous vetting of building consents, specifically around the establishment of CSs, including the pursuit of information pertaining to the SSs installed in a building. Such information will likely include: Installer PS3s, Test and/or Compliance Certificates, IANZ accredited sign-offs, designer PS4s, 'as built' plans, manufacturer information, etc.

Council needs to make it clear that operating a building containing SSs without a CS and BWoF is not an option. Alarm bells should start ringing due to possible exposure of all concerned to possible litigation under health and safety legislation and/or declined insurance claims where illness, injury or death could result from a non-complying building.

Owners, contract managers, designers, installers, main contractors, etc need to ensure that such buildings have their life safety systems in full compliance and that an application for a CS is submitted to Council, either with an application for a CPU or prior to occupation. Each person in the chain needs to ensure their bit is done and that the necessary information is provided to Council. Owners are ultimately responsible and may find their building is considered dangerous without a CS/BWoF and where Council has no evidence it complies. Under that scenario the owner may find Council restricts the use of the building.

Council encourages owners of buildings to make contact with Building Control where they find themselves in the situation described above. Council would rather discuss what the particular situation involves and to develop a method to resolve the issues without resorting to punitive action. Many such situations have a rather simple solution, i.e. the owner formally requesting Council to issue a new compliance schedule and to establish annual BWoFs.

Article by Tony Adamson

*Certificate  
of  
Acceptance*

*CPU*

*CS*

*BWoF*

*CCC*

## Cost Recovery

## Numbers Numbers Numbers

## Thinking Ahead to Christmas

## Full Amendments

Why did I change the fee system? Basically it was unfair on everyone, especially if the amendment reduced the value of the original work. The fee system is now a cost recovery process only.

You will be charged the following:

- Application and Administration fee \$363.00
- Number of hours to process hourly rate \$130.00
- Any additional inspections required on top of the flat fee consent already paid for: \$152.00
- Travel fee (zone) for extra inspection (as listed in fee schedule)

These fees are all listed on our website.

## Stats for September

### Consents Issued

- Total of 125 consents, with a total value of \$13,684,726
- This total included 33 new dwellings, with a value of \$10,524,937

### Consents Received

- Total of 139 consents, with a total value of \$19,534,412
- This total included 38 new dwellings, with a value of \$14,542,160

## Stats for Calendar Year

### Consents Issued

- Total of 1195 consents, with a total value of \$135,865,346
- This total included 218 new dwellings, with a value of \$82,346,151

### Consents Received

- Total of 1242 consents, with a total value of \$137,654,920
- This total included 215 new dwellings, with a value of \$84,254,514

We have also completed 4209 inspections.

## Workloads

There is no shortage of work, that's for sure, and I know all of you are busy too, but it's now time to think ahead to months leading up to Christmas. As usual the official processing clock (as per the Building Act 2004) stops at midnight 19 December 2017 and doesn't restart until 11 January 2018.

What does that mean for you? It means if your consent is not lodged by Friday night 17 December its very unlikely you will see the consent issued until after 11 January. As usual we will do our best to issue consents within that period, but considering the current work, we may be struggling well before that time. My team can only do so much and they have been full on all year as it is.

And also about workloads, I don't have a crystal ball but experience tells me that applications and inspection numbers will start to increase rapidly as we approach Christmas. This means that booking times for inspections will increase and the pressure on the processing team will also increase. You can help us meet everyone's expectations by booking inspections well in advance. In saying that, please ensure that booking is realistic. It is detrimental to all in the industry if we have to go back to inspections because work is not ready to be inspected. You can help with processing too. Make sure that your applications are complete and the details on the plans and specifications are correct. The more time we spend on each consent following up on requests for further information the slower the process goes. This means we can't get through as many consents as we would like too and everybody in line is slowed down. As we approach Christmas, please do not ask to be fast tracked. If you try to jump the queue everybody else goes back one.



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