

**WAIMATE DISTRICT CONSOLIDATED BYLAW 2008****CHAPTER 15****15 DEMOLITION, CONSTRUCTION AND  
MAINTENANCE OF BUILDINGS AND SITE  
WORKS****Scope**

The purpose of this chapter of the Bylaw is to provide rules for the protection of the public and the environment, by ensuring that adequate protection provisions are made during demolition, construction, renovation and maintenance of buildings and site works.

This chapter of the Bylaw is to be read in conjunction with the requirements of the Building Act 2004, Resource Management Act 1991 and Health and Safety In Employment Act 1992. Where any conflict occurs those Acts take precedence.

**1501 Interpretation**

Words and expressions used in this chapter of the Bylaw unless inconsistent with the context have the meanings as defined in the Building Act 2004, Health and Safety in Employment Act 1992 and Resource Management Act 1991.

**1502 Construction sites**

- 1502.1 Every Person undertaking building work or site works shall provide sufficient readily accessible sanitary conveniences for all Persons engaged on that work.
- 1502.2 The requirements of clause 1502.1 may be waived when Council is satisfied that appropriate alternative arrangements have been provided.
- 1502.3 Every sanitary convenience provided in accordance with clause 1502.1 shall be sited in such a position so as not to create a nuisance or cause offence to persons either in a Public Place or

to persons residing or working in any Premises adjacent to the site where building or site works are being undertaken.

1502.4 Every sanitary convenience provided in accordance with clause 1502.1 shall be maintained in a clean condition at all times.

1502.5 Every Person undertaking building or site works shall, at all times from the commencement of those building or site works until those building or site works are completed, ensure that adequate provision to the satisfaction of Council is made for the protection of other land (including streams, Roads, and Drains) from surface run-off.

1502.6 Where there is likelihood of debris or other matter falling or otherwise being deposited in any Public Place from Vehicles leaving a construction or demolition site, Council may require an approved means of preventing that debris or material from falling from Vehicles in or onto the Public Place.

### **1503 Public safety**

1503.1 No Person shall, for the purpose of carrying out any excavations, demolition, construction, building or building maintenance work, obstruct, operate on, over, or under, or deposit material on any Footpath, carriageway or other Public Place without first obtaining Council Approval.

1503.2 Any Approval issued in accordance with clause 1503.1 including any Approval for a safety fence, hoarding, gantry, scaffolding or other safety issues may be issued subject to such conditions, restrictions and limitations as Council considers necessary or desirable to ensure the safety and convenience of the public and the protection of any Public Place.

1503.3 Where a roof is not required over the Footpath, the lower stage of the scaffold shall be covered to extend to a line with the outside edge of the kerb.

1503.4 All Footpaths under any scaffold shall be maintained clean and clear at all times.

1503.5 Where required by the Council a boarded platform not less than 1 metre wide shall be constructed for use as a Footpath outside the scaffold.

- 1503.6 In all cases where street channels are covered over, the Person to whom permission has been given shall prevent the obstruction of such channels during the currency of the permit.
- 1503.7 All scaffolds and hoardings and public walkways underneath shall be well and sufficiently lighted to the satisfaction of the Council.
- 1503.8 Any hoarding or gantry erected shall be erected so as to meet the provisions and requirements of clause F5 of the New Zealand Building Code.

**1504 Demolition**

- 1504.1 Every Person carrying out the demolition or removal of a building or part thereof above a plane of 45 degrees from the boundary of a Public Place shall comply with the following requirements:
- (a) One storey only at a time shall be demolished or removed commencing from the uppermost level;
  - (b) No material shall be stored or stacked upon any floor of the building;
  - (c) All material shall be lowered to the ground immediately it has been displaced;
  - (d) No external wall or part thereof abutting on any street or Public Place shall be demolished or removed except at such time and under such conditions as Council may approve;
  - (e) No material shall be discharged onto any street or Public Place;
  - (f) Water shall be sprayed upon all displaced materials for the purpose of preventing or lessening the diffusion of dust arising from any demolition activity;
  - (g) A ball and crane or other mechanically-assisted demolition methods shall not be used on any building closer than the height of the building from the street

frontage or within 12 metres of the street boundary (whichever is the greater) unless Approval has been obtained from Council for the closing of the Public Place adjacent to the work. The Council may specify the amount of Public Place to be closed off to allow the work to be carried out without endangering public safety. Where Council so approves the contractor shall pay supervisory costs incurred by Council in maintaining public safety;

- (h) No portion of a building closer than its height from the Public Place shall be left standing when it is no longer stable unless arrangements have been made to the satisfaction of Council for the protection of the public;
- (i) Where required by Council, demolition work shall be carried out under the supervision and control of an appropriately experienced Registered Engineer and confirmation of an Engineer's appointment shall be submitted by the applicant prior to the issue of a demolition permit;
- (j) All measures described elsewhere in this or any other part of the Bylaw for the protection of Footpaths shall be observed;
- (k) Any hoarding or gantry shall be erected to the requirements of clause F5 of the New Zealand Building Code where in the opinion of Council there is a need to safeguard people or other property from demolition activities occurring on any land.

1504.2 Council may in appropriate cases dispense with strict compliance with any of the requirements of clause 1504.1.

**1505 Protection of public during building work or building maintenance**

1505.1 No Person shall commence any building work, demolition, renovation or maintenance on any part of a Premises adjacent to any Public Place until there has been erected a fence, hoarding, gantry or barrier so as to close off and render safe the pedestrian and vehicular traffic using or which may use the adjacent parts of the Public Place. No such fence, hoarding,

gantry or barrier shall be erected without first having obtained a consent from Council.

1505.2 Where a site fence, hoarding or gantry is in the opinion of Council necessary any such fence, hoarding or gantry shall comply with the requirements of clause F5 of the New Zealand Building Code.

1505.3 Where permission has been given for construction or maintenance of a verandah or other structure over a Public Place the necessary work shall be carried out at such times and in such a manner as Council may approve having regard to pedestrian and vehicular traffic. Where Council does not authorise the complete closure of the Footpath affected, then operations shall proceed over half of the Footpath width at a time, with the remainder of the Footpath being maintained clear and protected to Council's satisfaction.

1505.4 Every Person erecting, adding to, altering, repairing, plastering, painting, cleaning, or demolishing any building shall, during the operations or works take all precautions for guarding against injury to Persons or damage to property using or passing along any street or Public Place.

**1506 Lifting material and equipment over Public Places**

1506.1 The design of new buildings and their method of construction shall be arranged so far as is practicable to provide for the unloading and hoisting of materials and equipment on and over the building site itself and clear of any Public Place.

1506.2 No Person shall undertake the mechanical hoisting of building materials or equipment from or over any Public Place where those building materials and equipment can be unloaded from Vehicles driven onto the building site and be clear of the street.

1506.3 Where such unloading and hoisting of materials on or over a building site is not otherwise practicable the unloading and hoisting in a Public Place shall be in accordance with the following conditions:

- (a) Areas over or from which hoisting is being carried out must be coned, roped, fenced or barricaded off.

- (b) A clearly defined substantially constructed and fully protected gantry type throughway or bypass, must be provided for pedestrian use over any Footpath alongside any Public Place from which materials and equipment are to be hoisted. This protected throughway shall extend along the full length of the frontage of the site and where required by Council shall extend beyond the frontage of the building to provide radial protection to passers by;
  - (c) Crane jibs may swing over unprotected public Roadways and Footpaths but not the loads hanging therefrom. The load must be luffed back over Footpath gantries as soon as practicable and before slewing the jib so that loads are not at any time suspended over unprotected areas. No Vehicle unloaded from a coned off area shall move away until its last load has been hoisted clear of the Roadway;
  - (d) The lifting or lowering of materials or equipment on trays without sides is prohibited. The tray must be enclosed on all sides to a height not less than the height of the load.
- 1506.4 Proof of a public liability insurance cover indemnifying the Council for a minimum amount of \$1,000,000 or as determined by Council, in respect of any claims for injury or damage to Persons or property, shall be provided. Council may reduce or waive this requirement in the case of minor works.
- 1507 Fire hydrants**
- 1507.1 All fire hydrants shall be left unenclosed in such manner as will enable the hydrant to be easily accessed.
- 1507.2 Access shall be provided to all underground services within the enclosed street area at all times.
- 1508 Responsibility for accidents not affected**
- 1508.1 The granting of any Approval, consent or permission as prescribed in this chapter of the Bylaw shall not relieve the grantee from any liability or responsibility to any affected Persons or property.

**1509 Disposal of waste**

1509.1 Any Persons engaged in demolition or site works shall ensure that any waste to be disposed of shall be in accordance with the Council Bylaw and/or any Regional Council Bylaw and/or rules.

1509.2 The burning of waste as a means of disposal is not permitted.

**1510 Standing on verandahs**

1510.1 No Person shall stand on any verandah erected over a Public Place except for the purpose of inspection, maintenance or egress in the case of fire.

**1511 Offences**

1511.1 Any Person who commences any site works, demolition, renovation, maintenance or construction without having first obtained Council permission or, having obtained permission fails to comply in all respects with the conditions of that permission or this chapter of the Bylaw or who on the expiry of the time specified in such permit or any renewal thereof fails to leave such Public Place or any part thereof in its previous condition shall commit an offence against this chapter of the Bylaw.

**1512 Enforcement**

1512.1 Where any Person carrying out site works, demolition, renovation or maintenance causes damage to Footpaths, Roadways and the like or creates conditions which in the opinion of Council are likely to be dangerous to Vehicles or pedestrians, or causes undue hardship for neighbours or the public, Council may by notice take such action as is considered necessary, or in any particular case, to mitigate such conditions or damage and to clean up or otherwise stop such work until the matter is resolved.

1512.2 All costs incurred by any such action as referred to in clause 1512.1 shall be a direct charge against the Owners of the land where the nuisance or danger is being created.