

Notes of Building & Land Development Industry Forum held Wednesday 22 March 2023 in the HDC Council Chambers, Ground Floor, Civic Administration Building from 5.30pm – 7.00pm

Present: Mayor Sandra Hazlehurst (Chair), Nigle Bickle, Councillors Alwyn Corban, Marcus Buddo, Damon Harvey and Kevin Watkins

John O'Shaughnessy, Nigel Bickle, Tony Manunui, Sam Hayes, Rowan Wallis, Caleb Sutton, Abby Foote, Melanie Scrivens, Frank Busch, Rick Capel, Andrew Nichols, Andrea Miller, Mike Cooper, Geoff Gibson, George Lyons, Asher Davidson, Yvonne Moorcock and Hayley Evans

In Attendance: John Reid, Dan Joblin, Gordon Sanson, Phil McKay, Glenis Cooper, John Roil, Tim Nichols, Tim Pike, Andrew Taylor, Nick Hickling, Warren Gunn, Russell Nettlingham, Roger Wiffin, Shannon Bray, Diana Taylor, Stuart Taylor, Jason Svensson, Arlene & Peter Butler, Gemma Guilford, Karl Carew, Matthew Holder, Aaron Brittin, Paul Harvey, Stephen Brookes, Pip Pearse, David Kelly, Pawel Milewski, Duncan Bruce, John Hogan, Peter Simpson, Paul Sheeran, Jarrod Macredie, Stephen Jennings, Nick Sunman, Anna Lorck, Kim Matthews, Trent Bartle, Tara Todd, Chris Flude, Janeen Kydd-Smith, Rowena Macdonald, Kim Ainsley, John O'Bryan, Grant Aplin, Daniel Cleghorn, Jacob Scott, Rex Henderson, Robin Hewitt, Glen Stevenson, Ben Redmond, Ben Keet, Ira Chubukova, Grant Tester, Sean Crocker, Andrew Sowersby, Bill Livingston, Pierre Du Toit, Peter Nes, Grant Russell, Tom Hosford, Stephen Daysh, Ruth Vincent, Tim Wilkins, Ryan Schnell, Seamus Daly, Graham Linwood, Peter Pask, Simon Martin

Note: There may be other attendees who did not sign the attendance register

1.0 WELCOME & INTRODUCTIONS

Tony Manunui opened the meeting with a karakia. Mayor Sandra (Chair), welcomed everyone to the forum and introduced Council officers presenting and Anna Lorck, MP for Tukituki.

She acknowledged those in the room that had been impacted by Cyclone Gabrielle and thanked people who had supported the response.

2.0 CYCLONE GABRIELLE GOVERNMENT RESPONSE

Mayor Sandra Hazlehurst advised that a Regional Recovery Taskforce had recently been established by the government with the primary purpose to align locally led recovery plans with the work of government agencies and the private sector. Part of the Taskforce's work would be to cover issues to do with managed retreat, as well as other adaptation and resilience issues.

A Hawkes Bay Recovery Plan would be prepared in conjunction with affected communities and other key agencies (i.e. banks, insurance companies, Council, etc). A manager has been appointed to this role.

An emergency legislation bill is coming through (Severe Weather Emergency Legislation Act 2023) giving Government powers for decisions to be made promptly.

The following points were covered in a powerpoint presentation (copy attached).

3.0 WHAT'S THE DIFFERENCE BETWEEN A RED STICKER AND A RED ZONE?

John O'Shaughnessy advised that a red sticker (placard) placed on a building meant that the building could not be used and entry was prohibited because it had sustained moderate or heavy damage or may be at risk from external factors and posed a significant risk to health or life.

A red zone (managed retreat) identified areas considered of to be high risk from exposure to extreme weather events. A managed retreat enabled people to relocate their houses, activities, and sites of cultural significance away from at-risk areas within a planned period.

4.0 RAPID ASSESSMENTS / RESPONSE DASHBOARD

Tony Manunui outlined the work undertaken by Rapid Building Assessors and gave a snapshot view of how the inspections were recorded in the Survey123 dashboard. He advised that over 900 (HDC) rapid building assessments had been completed to date and that inaccessible areas such as Tutira and State Highway 5 and individual addresses that were overlooked/missed, still had to be assessed.

Council was now moving into a recovery phase which would be led by Sam Hayes, Council's Building Recovery Manager.

5.0 ROLE OF THE RECOVERY TEAM

Sam Hayes outlined the role of the new established Building Recovery Team, the HDC Building Recovery Information Pack and next steps for reinspection. He advised that building consent fees would not be charged on exemptions, red or yellow stickered properties.

The Building Recovery Information Pack is available on Hastings District Council's website:

<https://www.hastingsdc.govt.nz/assets/Document-Library/Building-Recovery/Building-Recovery-Info-Pack.pdf>

6.0 RMA SEVERE WEATHER EMERGENCY LEGISLATION ACT 2023 (SWELA)

Caleb Sutton gave a brief overview of the legislation changes and advised that the changes were intended to remove red tape to streamline the recovery and rebuild from severe weather events.

7.0 SILT, RUBBISH & SEPTIC TANKS

Colin Hosford outlined the process for silt and rubbish removal and how septic tanks would be dealt with. HDC will be removing flood damaged household items and this will continue for 3 – 4 months.

8.0 BUILDING INSPECTIONS TIMEFRAME UPDATE

Tony Manunui gave an update on Council consents and inspections.

9.0 UPDATE FROM CHIEF EXECUTIVE

Nigel advised he would be focussing on Cyclone Gabrielle recovery including farming and primary sector, housing, roads and bridges for next 60 days.

Horticulture sector (wiping out harvest revenue). Issues accessing capital to repair. Targeted financial decisions around business sector.

Working to a 30 day timeframe to accelerate developments in the pipeline.

Forecasting for the Cyclone Gabrielle event \$60m from 14 February – 13 June 2023 (bridges and infrastructure issues). Announcement this week of an increase of large company footprint in Hastings.

10.0 QUESTIONS FROM THE FLOOR

- **Who is checking for the homeowner that Licence Building Practitioner (LPB) work is completed correctly? Is the Council available to do this?**

Insurance companies should be doing these assessments and a LBP can pass any information on (Sam to follow up with Steve Brookes). Home owners and LBP's are responsible for building works / repairs subject to exemption from building consent. Council can monitor building works subject to building consent to the level allowed under the Building Act 2004.

- **Do affected homes need rapid building assessments?**

It would be wise to ensure these buildings are safe to use.

- **Managed Retreat – who pays?**

This is yet to be determined.

- **If you have been given a placard, will this be recorded on the property LIM?**

There will be a note on LIMs "affected by Cyclone".

- **How does this event impact future planning?**

Cyclone Gabrielle and the subsequent flooding impacts will need to be fed into the Future Development Strategy.

- **Will the Future Development Strategy (FDS) be speed up or slowed down as a result of Cyclone Gabrielle?**

The timeframe for the FDS was 1 July 2024 and now the Government has signalled new legislation coming, decisions will be made much sooner.

- **Will there be new discussions around Highly Productive Soils?**

Yes, trade-offs will need to be made however we are unsure what the process looks like yet.

Following the meeting, attendees were invited to stay for refreshments and to discuss any further questions with staff.

Meeting concluded at 6.45pm

Building and Land Development Industry Forum



22 March 2023

Agenda

• Welcome, Karakia and Introductions	Mayor Sandra Hazlehurst
• Development Overview	Nigel Bickle
• What is the difference between a Red Sticker and a Red Zone? (Managed Retreat)	John O'Shaughnessy
• Response Dashboard	Tony Manunui
• Recovery – Placarding / Exemptions	Sam Hayes
• RMA Severe Weather Legislation	Caleb Sutton
• Silt, Rubbish and Septic Tanks	Colin Hosford
• Building Inspections Timeframe Update	Tony Manunui
• Questions from the floor	

Refreshments served in foyer area

Nigel Bickle

Chief Executive

John O'Shaughnessy

Group Manager Planning & Regulatory Services

AS AT 6 MARCH 2023

What's the difference between a red sticker and a red zone?

Stickers and Zones are very different tools.

Red Stickers relate to building safety and are issued by Council building inspectors

The 'sticker' (placard) process (known as a RAPID building assessment) is a tool used when a disaster occurs that has the potential to damage buildings such as a flood or earthquake. The building authority (Council) undertakes rapid inspections to determine if the home is structurally safe and sanitary for homeowners to return to.

WHITE - FULL ACCESS

The building is safe to return once any evacuation order (if any) is lifted.

YELLOW - RESTRICTED ACCESS

There are two options for a yellow sticker:

- Yellow '1' - access to part(s) of the building only

FREQUENTLY ASKED QUESTIONS

What do I do if my house is in an area that was heavily impacted by the floods?

We are very aware that waiting to find out if your home will be in an area that is red-zoned is very distressing and the sooner we can get decisions on these matters the better. Some residents will want to stay, and others won't want to return, and both are looking for certainty so they can make plans for their future and know where to focus their efforts for rebuilding their lives.

The Recovery Taskforce Chief Sir Brian Roche, has recently made various media statements stating that "an early job will be helping determine which areas should no longer be inhabited, or red zoned, as areas of Christchurch were after a devastating 2011 earthquake."

If my house is in an area that is red-zoned, what does that mean for me?

ENTRY PROHIBITED

(THIS IS NOT A DEMOLITION ORDER)

There has been a quick visual inspection of this building:

- ☐ This building is at risk from an external hazard
- ☐ This building has been seriously damaged

Description of hazard observed:

Extent of damage required:

☐ Diagram attached showing restricted areas

Access is not permitted without written authorisation from the Civil Defence Emergency Management Controller or other Responsible Person

Building Name and Address: _____

This building has been subject to a rapid assessment:

- ☐ Exterior Only
- ☐ Exterior and Interior

Assessor ID: _____

Date: _____ Time: _____

This placard has been placed on behalf of the CDGM Controller or other Responsible Person under the authority of s138BT of the Building Act 2004 or the Civil Defence Emergency Management Act 2002 (cross out as applicable)

For further information:

- <https://www.building.govt.nz/managing-buildings/managing-buildings-in-emergency/>
- For enquiries about this building: _____

DO NOT REMOVE THIS NOTICE

600 x 42

RESTRICTED ACCESS

☐ TO PART(S) OF THE BUILDING ONLY

☐ SHORT TERM ENTRY ONLY

☐ Access to be supervised by a person authorised by the issuing authority

There has been a quick visual inspection of this building:

- This building has been damaged and its structural safety is questionable
- Enter only at own risk
- Future events may cause more damage that may change this assessment

Description of hazard observed:

Restricted area are:

Restrictions on use:

- ☐ Removal of essential documents/valuables only
- ☐ Removal of property
- ☐ Other: _____

☐ Diagram attached showing restricted areas

Building Name and Address: _____

This building has been subject to a rapid assessment:

- ☐ Exterior Only
- ☐ Exterior and Interior

Assessor ID: _____

Date: _____ Time: _____

This placard has been placed on behalf of the CDGM Controller or other Responsible Person under the authority of s138BT of the Building Act 2004 or the Civil Defence Emergency Management Act 2002 (cross out as applicable)

For further information:

- <https://www.building.govt.nz/managing-buildings/managing-buildings-in-emergency/>
- For enquiries about this building: _____

DO NOT REMOVE THIS NOTICE

600 x 42

Tony Manunui

Building Consents Manager

Role of the Building Team

- Undertake Rapid Building Assessment (RBA) to determine if dwelling is structurally safe and sanitary for home owners/occupiers
- Ensure lives are not at risk and take appropriate action as necessary
- Immediately pass on to our Emergency Centre any urgent welfare requirements



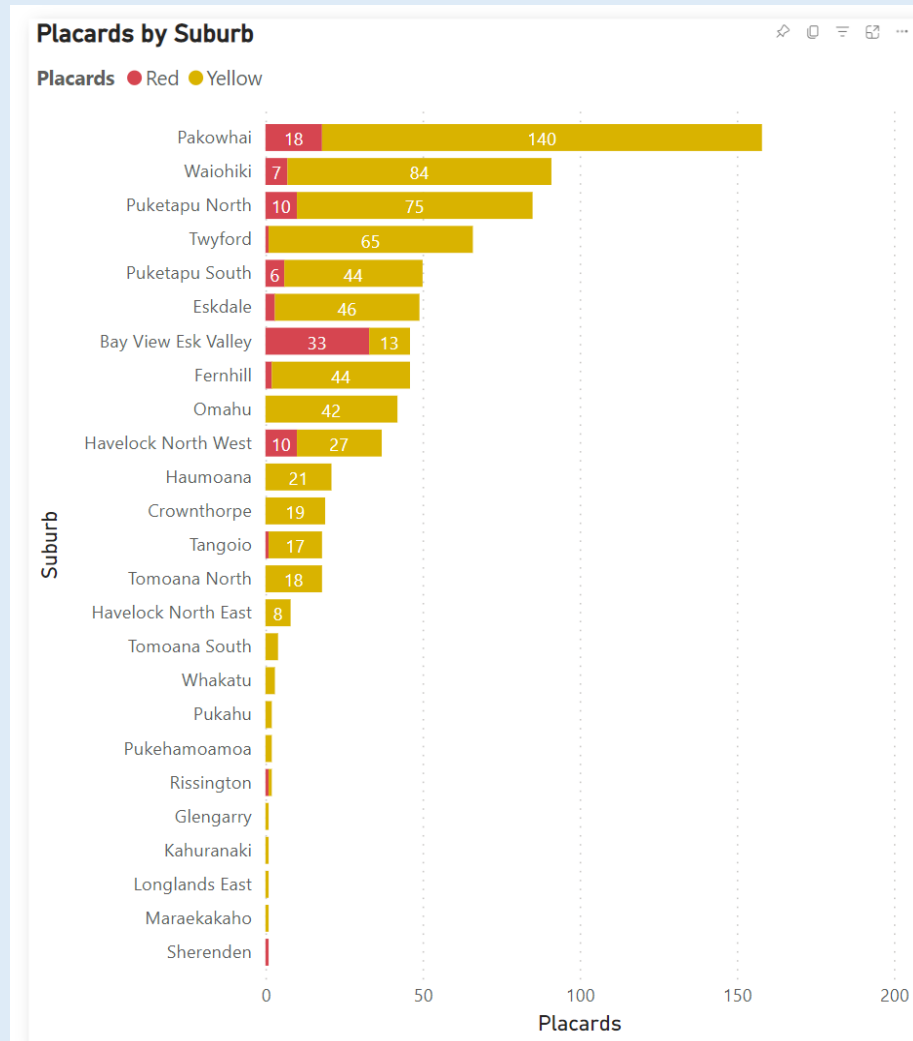
Considerations Prior to Undertaking Assessment

- Staff
- Resources (vehicles, communications)
- Welfare staff
- Meet Health & Safety requirements
- Understanding the scale of event and prioritising areas
- Liaising with other emergency centres/agencies/MBIE etc.
- Understanding the process of Rapid Building Assessment

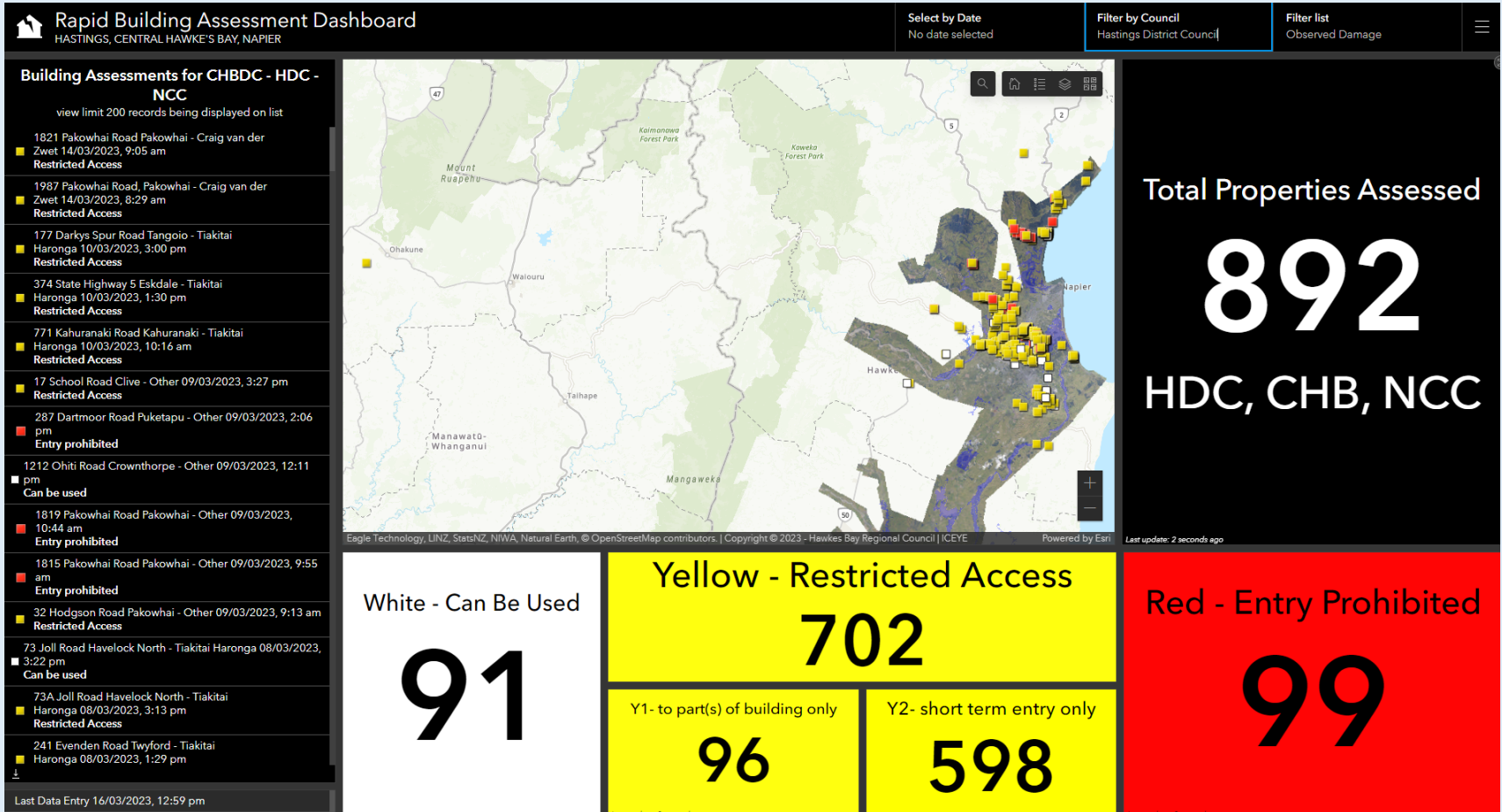
Process of Rapid Building Assessment

- Team of two (one being a welfare person)
- With assistance of MBIE they introduced us to Richard Knudsen and Jeremy Neven who arrived on the 20th of February. Both were involved in Westport and Nelson floods.
- Arranged 23 Rapid Building Assessors who arrived from 22 February onwards and their assistance was invaluable
- Including our HDC staff we had 40 teams
- Task, coordinate teams to priority areas
- Ensure all staff have Survey123 application downloaded and become familiar with its use

Placards by Suburb



123 Survey



Red Placard

The building cannot be used and entry is prohibited because it has sustained moderate or heavy damage or may be at risk from external factors and poses a significant risk to health or life.

ENTRY PROHIBITED

(THIS IS NOT A DEMOLITION ORDER)

There has been a quick visual inspection of this building:

☐ This building is at risk from an external hazard

☐ This building has been seriously damaged

Description of hazard observed: _____

Extent of barricades required: _____

☐ Diagram attached showing restricted areas

Access is not permitted without written authorisation from the Civil Defence Emergency Management Controller or other Responsible Person.

Building Name and Address: _____

This building has been subject to a rapid assessment:

☐ Exterior Only

☐ Exterior and Interior

Assessor ID: _____

Date: _____ Time: _____

This placard has been placed on behalf of the CDEM Controller or other Responsible Person under the authority of s133BT of the Building Act 2004 or the Civil Defence Emergency Management Act 2002 (cross out as applicable).

For further information:

- <https://www.building.govt.nz/managing-buildings/managing-buildings-in-an-emergency/>
- For enquires about this building: _____

DO NOT REMOVE THIS NOTICE

600 x 420

Yellow Placard

RESTRICTED ACCESS

☐ TO PART(S) OF THE BUILDING ONLY

☐ SHORT TERM ENTRY ONLY

☐ Access to be supervised by a person authorised by the issuing authority

There has been a quick visual inspection of this building:

- ☐ This building has been damaged and its structural safety is questionable
- ☐ Enter only at own risk
- ☐ Future events may cause more damage that may change this assessment

Building Name and Address: _____

Description of hazard observed: _____

This building has been subject to a rapid assessment:

☐ Exterior Only

☐ Exterior and Interior

Restricted areas are: _____

Assessor ID: _____

Date: _____ Time: _____

Restrictions on use:

☐ Removal of essential documents/valuables only

☐ Removal of property

☐ Other: _____

This placard has been placed on behalf of the CDEM Controller or other Responsible Person under the authority of s133BT of the Building Act 2004 or the Civil Defence Emergency Management Act 2002 (cross out as applicable).

☐ Diagram attached showing restricted areas

For further information:

- <https://www.building.govt.nz/managing-buildings/managing-buildings-in-an-emergency/>
- For enquires about this building: _____

DO NOT REMOVE THIS NOTICE

600 x 420

Yellow Placard (continued)

- Two part(s) of the building only (Yellow 1)
The building may have moderate damage and access is restricted. Access is restricted to some of the building only. This means you cannot access the restricted area(s) noted on the sticker (placard).
- Short term entry only (Yellow 2)
The building may have moderate damage and access is restricted. Access is restricted to short-term entry only. This means you cannot stay in the dwelling.



Summary of Response

- Over 900 rapid building assessments completed
- Still to assess inaccessible areas such as Tutira and State Highway 5
- Still to assess individual addresses that were overlooked/missed
- Thanks to all those who offered their support and help
- Moved to recovery phase – led by Sam Hayes



Sam Hayes

Building Recovery Manager

Role of the Recovery Team

- Newly formed team as a result of Cyclone Gabrielle
- The team will be working with owners and occupiers from a regulatory standpoint to help them navigate their way through the rebuild phase
- The team will be undertaking re-inspections to ensure home and building owners have a safe and sanitary environment to return to



Building information pack – what it covers



- Placards – what do they mean?
- Getting started
- Industry guides
- Pathway to repair
- Homeowner checklist
- FAQ's
- Rates relief (in certain cases)

Getting started



- Insurance – in the first instance, speak to your insurance company. They will decide the best way forward in terms of remedial or full rebuild – a red placard is not a demolition order
- Engage a Licensed Building Practitioner and/or Engineer for an assessment
- Industry guidance – BRANZ and MBIE have published documents for the clean-up and rebuild phase of flood and slip damaged dwelling
 - BRANZ – guide to restoring the dwelling after flood damage
 - MBIE – Building consent exemptions for damaged dwelling

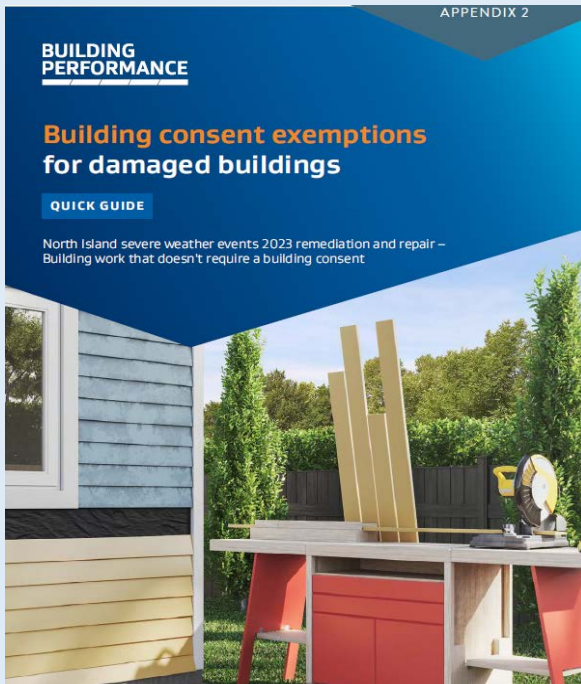
Pathway to repair

- Building work that does not require building consent under schedule 1 of the Building Act 2004
- Territorial Authority (TA) discretionary exemptions
- Building consent



Exempt Building Work

- MBIE guidance documents are available which outline what building work can be undertaken without the requirement for building consent, this includes:
 - General repair,
 - maintenance and
 - replacement



TA discretionary exemptions

- As a Council we have issued a 'blanket' discretionary exemption list for flood damaged dwellings as a result of Cyclone Gabrielle, that includes:
 - Replacement of thermal or acoustic insulation in external walls
 - Replacement of wall linings that provide wall bracing
 - Replacement of floor linings and coverings
 - Replacing wet area showers – PS3 required



TA discretionary exemptions (what is not included)

- Damage to a building as a result of land failure or movement
- Repairs relating to a fire separation (such as fire wall)
- Flood repair work to commercial or industrial buildings



Homeowner/Licensed Building Practitioner Checklist

We have created a checklist for home owners and Licensed Building Practitioners (LBP) as a guide to ensure the correct information is available for the re-inspection:

- Moisture check - This can be undertaken and verified by the Licensed Building Practitioner. Different species of timber framing have different moisture content requirements
- Cladding systems on cavity may require silt removal
- Internal linings (including bracing elements) and insulation can be replaced with a comparable product
- Has your septic tank / bore / piped services, been checked by a plumber / drain-layer?

Homeowner /Licensed Building Practitioner Checklist

Name of owner:				
Address of dwelling:				
	YES	NO	N/A	WORK COMPLETED BY OWNER/LBP
Have you verified the moisture levels in the framing?				
Have you cleaned out your cladding system cavity?				
Have you re-installed insulation in the walls?				
Have you re-installed insulation in the subfloor?				
Have you re-instated internal linings (including brace elements) to original status?				LBP only
Has your septic tank/bore/pipe to services been checked or serviced?				Registered plumber/drain layer only
Have you replaced all fixtures for bathrooms/kitchens/washing machine etc. and are these sealed?				
Have you received a PS3 producer statement for your internal membrane? (i.e. wet area shower) You can find more information on www.building.govt.nz				Certified applicator only
Have you re-instated the existing solid fuel burner in the same location? Note: Changing the make and model will require building consent approval.				
Have you re-instated domestic smoke detectors within 3m of sleeping spaces?				
Have you received a Certificate of Compliance (CoC) from your electrician?				
Have you received a Record of Works from your licensed building practitioner?				

IMPORTANT INFORMATION

- All work completed by a licensed building practitioner must be signed off and the record of works submitted to Council on completion to remove a red or yellow sticker on the property.
- All electrical work must be signed off by a registered electrician and a **Certificate of Completion (Energy Works Certificate for electrical)** supplied and submitted to Council. Your registered electrician will issue this certificate.
- If you install a waterproof membrane (tanking) to a wet area shower or bathroom this also must be completed by an approved installer who will provide a producer statement that will be submitted to Council along with the Licensed Building Practitioner record of works.

Next steps for re-inspection

- Work complete? See the home owner checklist within the Building Recovery Information Pack
- Contact the Building Recovery Team buildingrecovery@hdc.govt.nz for your re-inspection
- If council is satisfied with the repairs your building will be upgraded to a white placard status

CAN BE USED

NO RESTRICTIONS ON ACCESS

There has been a quick visual inspection of this building:

- No obvious structural problems were observed, but;
- This does not mean that the building is completely safe
- This does not mean that the building is not damaged
- Future events may cause more damage that may change this assessment

The following items have generally not been inspected:

- Utilities (electrical, gas, water, sanitary facilities, etc)
- Secondary elements (ceilings, windows, fittings, etc)

Building owners and tenants have an important role in regard to the future safety of occupants and the public:

- The owner should organise for someone to look at the building more thoroughly
- Tell the issuing authority if you find anything that could be dangerous

Building Name and Address: _____

This building has been subject to a rapid assessment:

☐ Exterior Only

☐ Exterior and Interior

Assessor ID: _____

Date: _____ Time: _____



This placard has been placed on behalf of the CDEM Controller or other Responsible Person under the authority of s133BT of the Building Act 2004 or the Civil Defence Emergency Management Act 2002 (cross out as applicable).

For further information:

- <https://www.building.govt.nz/managing-buildings/managing-buildings-in-an-emergency/>
- For enquires about this building: _____

DO NOT REMOVE THIS NOTICE

Building Consent Fees

Category		
Exemptions	No Charge	
Red Stickers	No charge	
Yellow 1 & 2	No charge	

Caleb Sutton

Environmental Consents Manager

Severe Weather Emergency Legislation Act 2023 (SWELA)

- Omnibus Act amending 4 Acts, which **focus of these slides being the RMA changes**
- The changes are intended to remove red tape to streamline the recovery and rebuild from recent severe weather events
- First of two Acts proposed



SWELA – RMA changes

- Key change is that for a **limited time (12 months) certain emergency activities** carried out by owners/occupiers of rural land be deemed **permitted activities**
- Also extends timeframes for other authorities to apply for retrospective consent under standard emergency works (s330) provisions



SWELA – RMA changes – new section 331B-E

Section 331A – Application

- Applies to activities undertaken on rural land in an affected area (i.e. impacted by cyclone Gabrielle)

Rural land means;

- Has a general rural (i.e. HDC Rural Zone), rural production (i.e. HDC Plains Production Zone) or Maori purpose zoning; **or**
- Has a marae, papakainga, or urupa; **or**
- is used for primary purpose of livestock or horticultural farming



SWELA – RMA changes – new section 331B-E

Section 331B – Owners and occupiers of rural land may take emergency preventive or remedial actions

Applies if (*Note simplified*);

Severe weather event has/is/likely to cause;

- Loss of life/injury to humans
- Loss of life/serious health detriment to animals
- Serious damage to land or property

And.....



SWELA – RMA changes – new section 331B-E

The Owner or occupier of rural land;

Considers on reasonable grounds;

- The preventive or remedial measures are required to avoid, remedy, or mitigate the loss, injury, detriment or damage; **and**

Considers that, in the circumstances,

- the **measures are proportionate** to the loss or risk of loss, injury, detriment or damage

And....



SWELA – RMA changes – new section 331B-E

Undertakes the activity in a manner that;

- As far as reasonably practicable avoids, remedies, or mitigates the adverse environmental effects; and
- will not cause significant adverse effects beyond the boundaries of the affected land

And....



SWELA – RMA changes – new section 331B-E

- The **activity is not prohibited in plans**, regulations or NES's
- The activity is **not undertaken on or will impact culturally significant land** (unless notice given and iwi/hapū approval received)
- **Notice of activity is provided** to the consent authority within 60 working days after activity begins

Then;

Activity is deemed a permitted activity

SWELA – RMA changes – new section 331B-E

- Example activities could include clearing slips, fixing a culvert, removing silt or clearing debris from land
- Onus is on landowner/occupier undertaking emergency activities to ensure the permitted activity criteria are met



Colin Hosford

Public Spaces and Building Assets Manager

Silt, rubbish and septic tanks



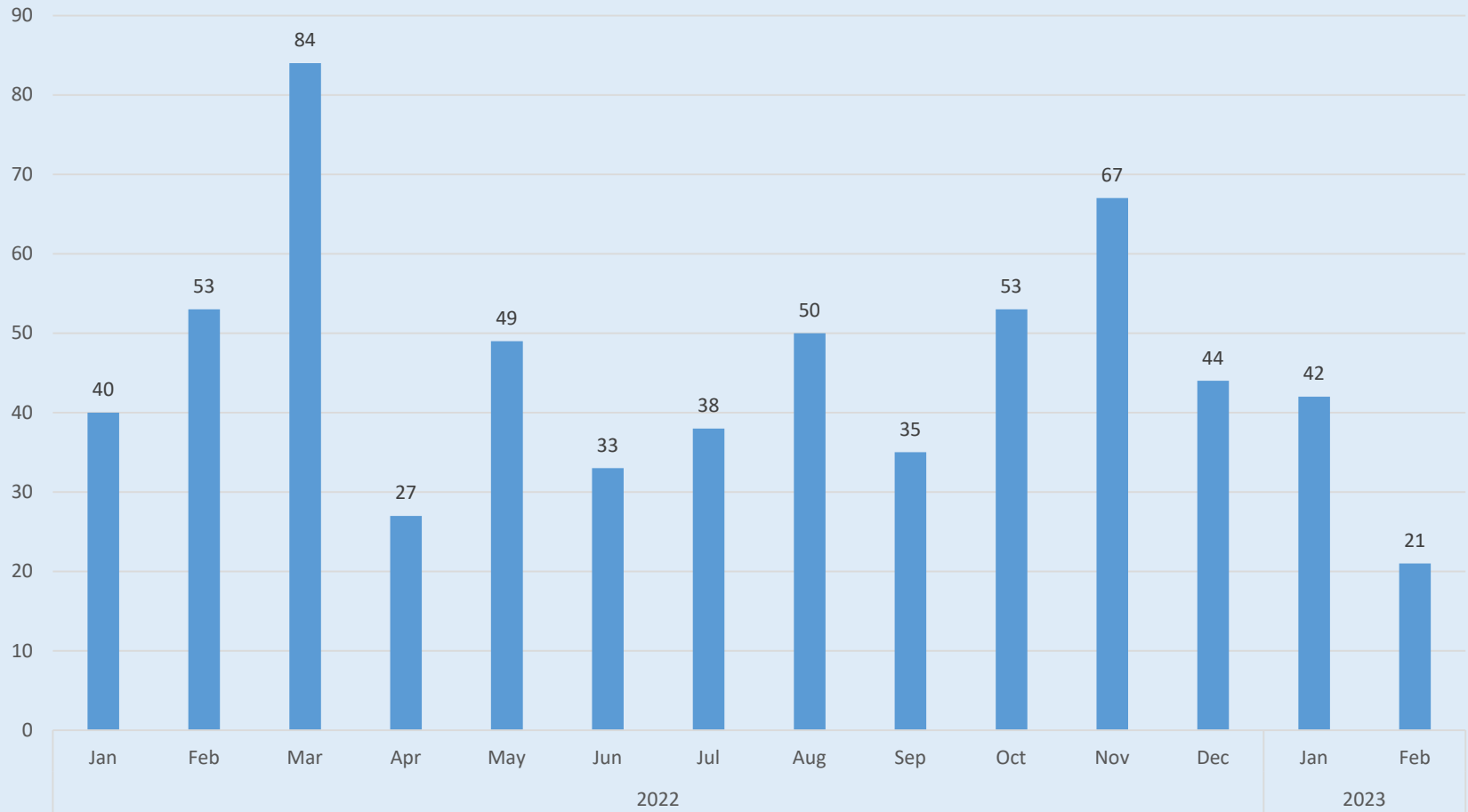
Council Consents and Inspections

- Inspections 2-3 days (virtually no wait time)
- Residential Consents
 - Wait time for processing new consents is on average 11 days
- Commercial Consents

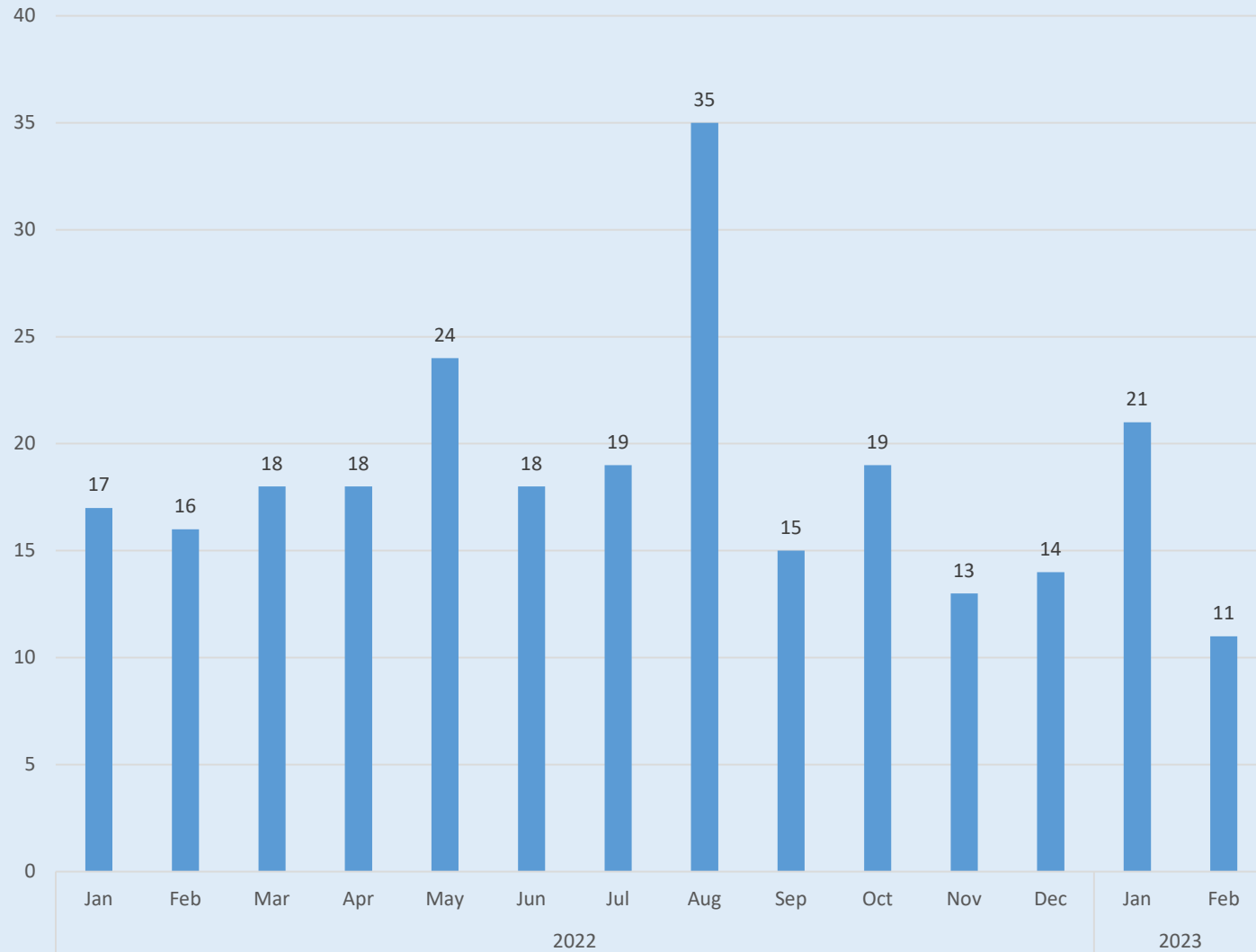
As our graph indicates we are still busy with commercial consents. To mitigate processing/times we have taken the following steps:

- Using Selwyn District Council to process consents
- Using Wellington City Council to process consents
- Also utilising contractors

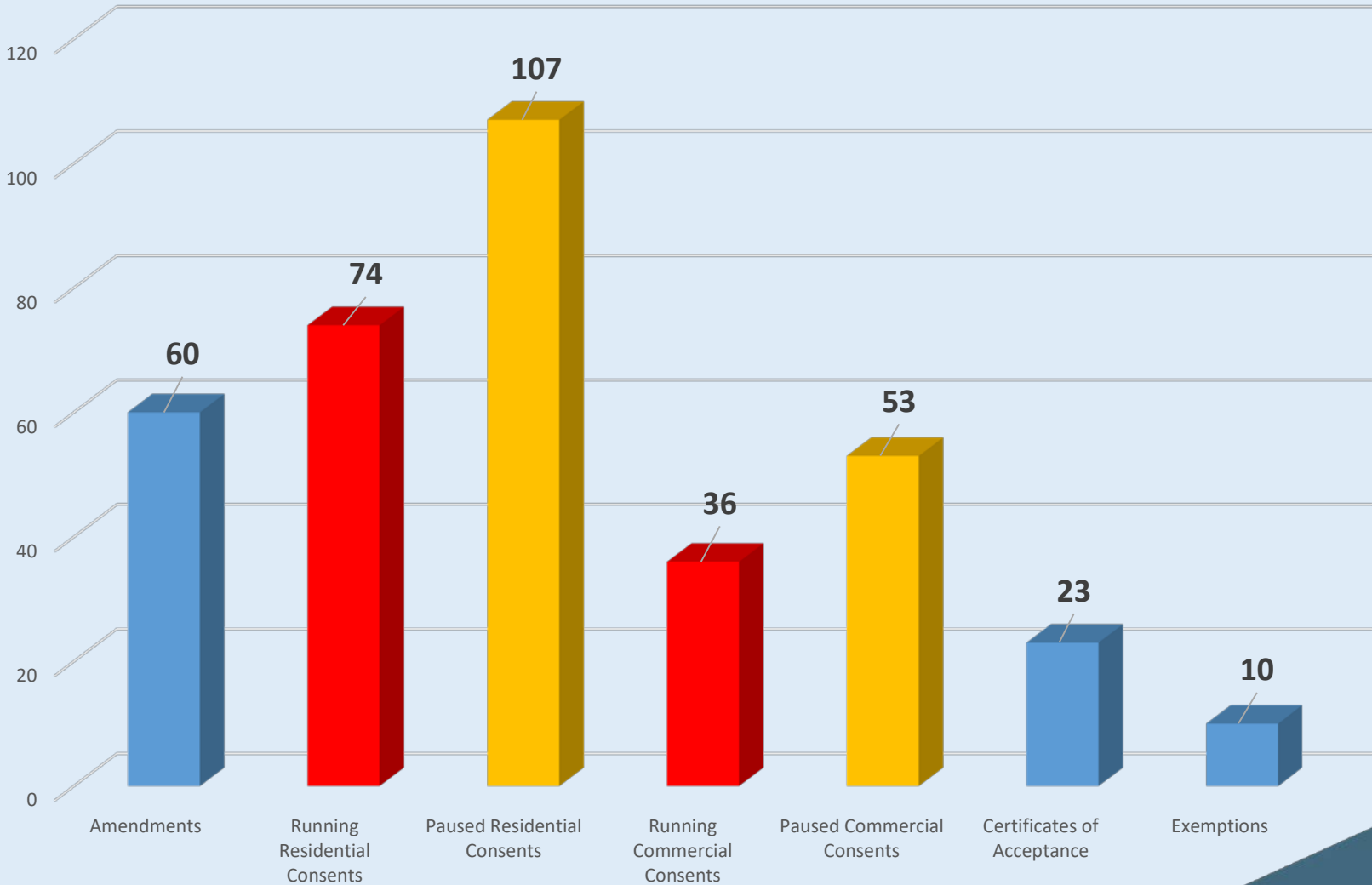
Land Information Memorandum Issued



Commercial Building Consents Accepted



Current Workload 365



Questions



Thank you