

# CERA

Canterbury Earthquake  
Recovery Authority

28 October 2011

Church Property Trustees

[ s 9(2)(a) ]

[ s 9(2)(a) ]

Dear [ s 9(2)(a) ]

## Demolition of your building at 100 Cathedral Square – Christchurch Cathedral

1. The purpose of this letter is to:
  - Advise you that I have determined that your building is dangerous in terms of the Canterbury Earthquake Recovery Act 2011 (CER Act), in particular there is a risk that the building could collapse or otherwise cause injury or death to any person in the building as a result of an earthquake that generates shaking that is less than or moderate earthquake; and
  - Give you notice under in accordance with Section 38(4) of the CER Act that your building is to be demolished to the extent necessary to remove the hazards.
2. You have 10 calendar days from the date of receipt of this notice to advise me whether you intend to undertake the demolition of the building (including, as appropriate, removal of the foundations) and, if so, when you intend to undertake and complete the work.
3. Schedule 2 (attached) provides an outline of the information required from you should you propose to complete the demolition work using your own contractor.

*Note:* For the purposes of section 38 of the CER Act, where CERA approves your demolition proposal, CERA has commissioned the work. This will enable you to rely on CERA's exception from a building consent for demolition and the permitted activity status for demolition of buildings under the appropriate district plan. You will, however, need to obtain an archaeological approval if the building is dated pre-1900 and for the disturbance of the soil if the area was occupied pre-1900 (regardless of the age of the present building).

CERA commissions all demolition related work within the CBD (the area within the four avenues). Before any work may be started CERA requires that it approves the demolition plan.

4. You may elect to have CERA undertake the demolition work for you. To assist you in deciding if this is your preferred option, please find attached Schedule 3, which is a summary of the services CERA may provide. If you choose this option, the demolition works will be at your cost and you will be invoiced for the work. CERA charges a management fee, this is usually 5.25% of the demolition costs. This is to cover the actual cost incurred of managing the demolition process.
5. Should you elect to have CERA undertake the demolition work for you, CERA will arrange for the work to be carried out through CERA's Project Management Office (PMO). I encourage you to consider using the PMO as CERA will schedule the work to most efficiently use accredited contractors. The PMO will facilitate the demolition in accordance with the scope in Schedule 3.
6. Reopening the central city as quickly as possible, and working towards the recovery of greater Christchurch are top priorities for CERA. In considering your response to this notice and the acceptability of any alternative proposals you put forward, speed of completion of the works will be key criteria for me.
7. Please note that even if you wish to undertake the work I may not accept your proposal and may decide it is more appropriate for CERA to undertake the work.
8. Your written notice to CERA of your intentions should be in the form attached to this letter entitled "Owner's Response to Demolition Notice under s38(4) of the Canterbury Earthquake Recovery Act 2011". Your notice can be either:
  - Emailed to us at [demolitioncontracts@cera.govt.nz](mailto:demolitioncontracts@cera.govt.nz), or
  - Posted to Canterbury Earthquake Recovery Authority, Private Bag 4999, Christchurch 8140.
9. In making your decision you should be aware that the CER Act provides that:
  - if you fail to give notice to me within the 10 calendar day period; or
  - if I am not satisfied with the time specified by you for demolition of the building; or
  - if you do not carry out the works in the time specified,CERA may commission the demolition work and recover CERA and third party costs of carrying out the work from you as owner of the dangerous building.
10. If you do not respond to this letter within 10 calendar days of receipt, CERA will look to commence action to commission the demolition works at your cost. The timing and arrangements for demolition will then be negotiated with the demolition company and you will be informed in accordance with the process under the CER Act.
11. Please take the time to read the Frequently Asked Questions information at [www.cera.govt.nz/demolitions](http://www.cera.govt.nz/demolitions) .

Please contact my office by email, or telephone [s 9(2)(a)] if you have any questions about this written notice or wish to discuss the demolition.

Yours faithfully



Warwick Isaacs  
General Manager, Demolition  
Canterbury Earthquake Recovery Authority

Released under the Official Information Act 1982

**Schedule 1: Summary of meaning of “dangerous” building: Building Act 2004 as amended by Canterbury Earthquake (Building Act) Order 2011**

A dangerous building is a building which:

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

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

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

**Extract from Canterbury Earthquake Recovery Act 2011**

**S40. Compensation for demolition of building**

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



## **Schedule 2: Demolition Application - Supporting Information Required**

### **1. Project Information**

- Address of building.
- Name of building.
- Description of building i.e. Building height, number of floors above and below ground, age and construction type and approximate building weight.
- Main contractor and principal contact details.
- Sub-contractors and any contact details.

### **2. Onsite Start Up**

- Detail how dilapidation survey will be undertaken and information which will be provided.
- Provide a site plan showing location of fencing, site entry/exit points, registration board, emergency gathering point and any on-site facilities.
- Provide details of road, footpath and infrastructure protection measures required for tracked equipment and the demolition debris falling off the building during the course of the demolition process.
- Provide details of initial equipment set up including staging areas, equipment swing radiuses, set down and stockpile areas.
- Provide a list of services to site that require disconnection and capping and detail who will carry out this work. Refer to attached list of local authorities and utilities service providers etc.

### **3. Methodology**

- Methodology must describe method and sequence of building deconstruction or demolition. This is to include staged methodology descriptions and graphical representation. This description and plan should be able to be read in conjunction with the demolition programme.
- Methodology must consider building size, structural type, original construction sequence and any seismic damage to the structure.
- Equipment used must be appropriate for building size and proposed methodology. Provide details of specialist or large equipment to be used on the job and details for people qualified to use the equipment.
- Methodology must be reviewed and approved by a CPEng engineer. CPEng engineer must be familiar with building and be satisfied that methodology is appropriate considering building size, structural form, seismic damage, critical structural weaknesses and proposed sequence of removal or demolition of structural elements.
- CPEng engineer must be satisfied that methodology avoids risk of local instability, global instability and uncontrolled progressive failure that might threaten the safety of site workers or people or property on adjacent sites.
- CPEng engineer must be available for on-site verification of demolition methodology and to carry out site supervision at critical work stages and to confirm methodology.
- If building is to be entered by any workers for retrieval of goods, strip out or any other purpose this must be explicitly approved by CPEng Engineer who must be satisfied that this proposed work presents no greater danger to these workers than would ordinarily be present to workers on any other building site. The CPEng Engineer may be required to attend site to monitor the structural integrity and safety while these activities occur.
- Provide details in methodology for removal of any specific items or services if required.
- Provide details of proposed dust suppression measures including runoff control.

#### **4. Programme**

- A programme for the works on a Gantt chart, or in a similar format, is required. This must relate and be able to be read in conjunction with the detailed methodology.

#### **5. Debris/Waste Management Plan**

- Provide a detailed Waste Management Plan. (proforma is attached). This is to include details of any crushing of concrete that may occur on site.
- Provide an estimate of quantities for each type of waste, proposed carrier and approved destination.

#### **6. Traffic Management**

- Provide a route plan showing planned routes to and from the site.
- Indicate where truck turning is intended to occur and what signage will be provided.
- Confirm that equipment access to site is unhindered by street widths, weight limits or overhead power lines.
- At least one lane of traffic is to be maintained at all times outside the building if the demolition is to occur within the CBD Red Zone Cordon. Outside the CBD Red Zone Cordon the traffic management plan will have to be approved by Christchurch City Council.
- Dilapidation survey is to include any existing street and footpath damage.

#### **7. Health and Safety Plan**

- Site specific health and safety information is required.
- An emergency management plan is required.
- A site management plan is required.
- A site evacuation procedure is required.

#### **8. Heritage / NZHPT**

- Please note any heritage buildings present, comment on risk to them during works and any measures required to mitigate risk.
- Specific approval from NZHPT to work on or adjacent to heritage buildings may be required. Provide evidence that this has been applied for. A hardcopy of any NZHPT approval(s) granted should be available to view on site, on request.
- If Heritage items are required to be removed from the building being demolished provide full details as to how this is to occur.
- If the site was occupied pre-1900 (regardless of age of building) and soil will be disturbed an archaeological approval may be required.

#### **9. Completion**

- Provide detail of proposed condition of site on completion e.g. slab and footings removed, site backfilled and compacted.
- Note any special requirements such as proposed treatment of basement and removal depth for piles.
- Detail verification of site condition procedure.
- Provide a hazardous material report on completion of the project if applicable.

#### **10. Insurance**

- Provide evidence of a current Public Liability Insurance Certificate specific to the site of works.

### Schedule 3: CERA Services Provided

#### CERA Professional Services

##### Resources Available

CERA has the following professionals available to assist and manage the demolition of buildings as part of the demolition of Canterbury.

- Project Managers
- Quantity Surveyors
- Construction Managers
- Structural Engineers
- Health and Safety advisors
- Hazardous Material advisors (asbestos reports)
- Waste and Debris Advisors
- Programmer Managers
- Heritage (NZHPT) Liaison and Heritage Engineers
- Environmental (ECAN) Liaison

CERA also has the ability to call on the services of:

- Close relationship with CCC

## The CERA Demolition Process for the demolition of a dangerous building

### PLANNING AND TENDER PROCESS

#### Building and Resource consent

1. If building is deemed to be 'dangerous', CERA will obtain the necessary approvals to allow the building to be demolished.

Under a CERA managed demolition CERA will facilitate the calling of Tenders for the demolition of the buildings. This may include;

1. Site visit by engineers and construction managers to view implications of demolition.
2. Co-ordination with building owners on possession removal of building owners possessions if achievable.
3. Compiling and monitoring of a master programme from tender through to completion.
4. Preparation of a demolition scope of works document specific to each building/project.
5. Initial liaison with local authorities and service providers.
6. Compiling and issuing of contract documents.
7. Access to all building information archives, to facilitate efficient demolition.
8. Liaison with Historic Places Trust and their representatives
9. Compilation of a rapid assessment hazardous material report.
10. Production of tender documents
  - Request for tender letters
  - Scope of works
  - Preliminary and General Specification (P&G)
  - Building information – Structural, Architectural and Services
  - Indicative traffic routes
  - Hazardous material reports
  - Geotechnical reports (if required)
  - Heritage information
  - Debris management guidelines and plans
  - Standard contract conditions
  - Price element breakdown



11. Collation of tender documents for delivery to selected contractors
12. Contractors are pre-determined from an accredited list populated from Expression of Interest and accreditation processes completed by CERA.
13. Complete a tender process and obtain a minimum of three tender prices
14. Access to knowledge of whole market, general price patterns, current market conditions and contractor's resources so that the contractors who tender are selected specifically to each project.
15. Responding to tender queries and clarifications throughout the tender process.
16. Evaluation and Analysis of submitted contract documents for each contractor's submission, including;
  - Price
  - Proposed methodology
  - Traffic Management Plan (TMP)
  - Site safety plan – including removal and disposal of hazardous materials
  - Debris management
  - Programme
  - Overall capability to carry out the project at that point in time
17. Contractors costs/rates are again reviewed by an independent Quantity Surveyor.
18. Compiling of successful contractors contract and facilitation of signing by CERA and the Contractor.
19. Issuing of successful and unsuccessful letters to contractors.

#### MANAGEMENT OF DE-CONSTRUCTION WORKS

1. Management of the contractor completing a dilapidation survey of adjacent sites and city infrastructure before successful contractor begins site works.
2. Site checks to check progress and that traffic management plan, waste management plan, health and safety and general deconstruct methodology are being carried out in accordance with the demolition contract.
3. Point of contact throughout de-construction process.
4. Management of contractor queries as they become apparent.
5. Monitoring of protection to adjoining properties and surrounding infrastructure.
6. Management of any unforeseen circumstances raised by the contractor (i.e. Identification of asbestos).
7. Final close out of site documenting that the project has been completed to satisfactory standard.
8. Liaison with utility companies to check their assets are protected and any terminations have been completed.
9. Management of temporary works are completed any assets removed are reinstated e.g. traffic lights, planters, street lights etc.

## CONTRACT MANAGEMENT

1. The review and certification of payments against claims as received by the contractor.
2. Administer the Demolition Contract so that the Contractor performs his obligations under the Contract.
3. Manage the contractor to perform in the terms of the Demolition Approval – Construction Programme and City Master Programme.
4. Obtain confirmation that the demolition Contract pre construction requirements have been met i.e. insurance, Health & Safety Plan etc.
5. Receive all contractors' correspondence and arrange response.
6. Issue Contract Instructions and Client Variations as required.
7. Provide all necessary directions to the Contractor, monitor progress and performance, and initiate any corrective action required to maintain satisfactory progress and performance.
8. Management of all Contractor Requests for Information.
9. Management of information to be supplied by Contractor.
10. Management of consultant site visits and inspections.
11. Co-ordinate and expedite the procurement of the Practical Completion Certificate
12. Inform Client when the contractor requests the issue of a Certificate of Practical Completion.
13. Determine in conjunction with Client and Consultants whether there are any matters, which prevent the issuing a Certificate of Practical Completion to the Contractor.
14. Provide Client with a copy of the Certificate of Practical Completion issued pursuant to the demolition Contract.
15. Using the assistance of other consultants where it considers necessary, assess and report to Client on any extensions of time to the Date of Practical Completion requested by the contractor under the demolition Contract.
16. Administer extension of time claims under the contract.
17. Provide advice to the Client on any claim or dispute, that arises out of the project prior to the issue of the Final Certificate.
18. Advise Client of the likely date for the issue of the Final Certificate and use the assistance of other consultants and Client as to whether the Final Certificate can be issued to the contractor.
19. Issue the final certificate to the Contractor when they have met all the contractual obligations and completed all remedial works and the defect Liability period has passed (if applicable).

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

To: The Chief Executive, Canterbury Earthquake Recovery Authority  
Attention: Warwick Isaacs, General Manager, Demolition

Email [demolitioncontracts@cera.govt.nz](mailto:demolitioncontracts@cera.govt.nz), or

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

1. I confirm that I am the owner or duly authorised representative of the owner of the building at 100 Cathedral Square, Christchurch Lot 1 DP 39475 as described in the demolition notice you issued to me under section 38(4) of the Act.
2. I agree that the description of the building in that notice is accurate (if not please amend and attach updated description).
3. I agree (cross out which you do not want to apply):
  - a. That CERA will arrange for the demolition of the building and will invoice me for the cost of the work once it is completed; OR
  - b. To arrange for the demolition of the building in accordance with my proposal under which demolition will be completed, the site cleared and all waste disposed of in accordance with all relevant requirements by no later than \_\_\_\_\_ 2011.

From: [ s 9(2)(a) ] CPT Property Manager

Signed this \_\_\_ day of \_\_\_\_\_ 2011 by \_\_\_\_\_ as owner or duly authorised representative of the owner.

\_\_\_\_\_  
Signature

- Attached:
- Amended description (if building description is not accurate)
  - Copy of demolition proposal under paragraph 3(b) above (if applicable)
  - Proof of authority to sign this letter if signing as duly authorised representative
  - Completed Owner's Agreement (if paragraph 3(a) is chosen.