

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER OF: An application for land use consent,
pursuant to section 9(3) RMA for
Partial Demolition and Additions
and Alterations to All Saints Church

AND

IN THE MATTER OF: A hearing by Palmerston North City
Council

MEMORANDUM CONCERNING SEISMIC ISSUES

29 January 2021



227-231 Broadway Avenue
PO Box 1945
Palmerston North
DX PP80001



Nicholas Jessen
06 353 5210
06 356 4345
njessen@crlaw.co.nz

MEMORANDUM CONCERNING SEISMIC ISSUES

MAY IT PLEASE THE HEARING PANEL:

1. The correspondence at Appendix 1 has been received from the Head of Building Services at the Palmerston North City Council, concerning the process that the Council in its capacity as building consent authority intends to pursue in relation to the All Saints building. In short, it intends to issue a formal notice in accordance with the Building Act s 133AL. The notice “...will be issued forthwith”.
2. The building, having a 3% NBS seismic rating, is recognised as a “*priority building*” within an area of “*high seismic risk*” in accordance with the Building Act. Accordingly, s 133AM requires that the deadline given in the notice for completing the required seismic strengthening works must be 7 years and 6 months.

29 January 2021



Nicholas Jessen

Legal Counsel

Appendix 1

Jaime Puklowski

From: Leigh Sage <leigh.sage@pncc.govt.nz>
Sent: Tuesday, 26 January 2021 11:44 AM
To: Nicholas Jessen
Cc: Rebecca Kinloch; Bryan Clark; Ryan O'Leary
Subject: RE: All Saints Church - Earthquake Prone Notice (EPN)

Hi Nick,

In response to Ryan's request, PNCC do intend issuing an EPN on All Saint's Church building located at 338 Church Street, Palmerston North, as no further information has been provided within the timeframe to counter PNCC's assumption that the building is earthquake-prone. Whilst this action was planned for late last year, soon after the expiry of 12 months from the initial notification, resourcing constraints have unfortunately delayed this process. The formal decision and ultimately the EPN, will be issued forthwith. As the building is determined a priority building, there will be 7.5 years in which remedial action will need to be taken from the issue of the notice.

Kind regards,

Leigh

LEIGH SAGE | Head of Building Services

Palmerston North City Council | Private Bag 11034 | Palmerston North
P: +64 (6) 3568199 | M: +64 (27) 5229266 | www.pncc.govt.nz

From: Ryan O'Leary <roleary@propertygroup.co.nz>
Sent: Tuesday, 26 January 2021 9:54 AM
To: Bryan Clark <Bryan.Clark@pncc.govt.nz>; Leigh Sage <leigh.sage@pncc.govt.nz>
Cc: Rebecca Kinloch <rebecca.kinloch@pncc.govt.nz>; Nick Jessen <njessen@crlaw.co.nz>
Subject: All Saints Church - Earthquake Prone Notice (EPN)
Importance: High

Hi Bryan/Leigh,

The Applicant and the Commissioners determining the resource consent for All Saint's Church (338 Church Street) are seeking clarification on the specific dates that apply in accordance with the Council's Earthquake-Prone Building Programme.

My reading of the letter is that:

1. It gives the building owner 12 months (until 14 November 2020) to advise whether they accept the Council's Initial Evaluation Procedure (IEP); or, to provide an alternative engineering assessment.
2. Page 2 of the letter states:

"If your building is confirmed as being earthquake-prone, [PNCC] will issue you with a formal notice that means you will have to:

- *Display a notice(s) on your building that informs people it is earthquake-prone.*

- *Strengthen your building or make it safe in other ways within 7.5 years of the date of the formal notice”.*
3. No “formal notice” has been issued. It follows then that the owners have 7.5 years from the date that this (future) notice is issued.

The applicant has asked: *“When is an earthquake prone notice (EPN) likely to issue against the All Saints Church now that a year has expired from EPN letter dated 14 November 2019”?*

Can I please ask that you respond to Nick Jessen on this urgently (**today**).

Kind Regards

Ryan O’Leary
Planning Manager – Central



Mobile: 027 469 8992
Reception: 06 834 1232

Level 7, TSB Bank Tower, 7 - 21 Fitzherbert Ave, Palmerston North 4410
PO Box 12066, Palmerston North 4444

Proud supporters of KidsCon Charitable Trust

Our office locations: [Whangarei](#) | [Auckland](#) | [Hamilton](#) | [Tauranga](#) | [Rotorua](#) | [New Plymouth](#) | [Napier](#) | [Palmerston North](#) | [Wellington](#) | [Nelson](#) | [Christchurch](#) | [Dunedin](#) | [Queenstown](#)

All of our emails and attachments are subject to [terms and conditions](#).