



# **Environmental Services Committee**

**Commencing at 9:00am**

**on**

**Tuesday 27 November 2018**

**Council Chambers  
District Council Building  
King George Place  
Timaru**

## **Timaru District Council**

**Notice is hereby given that a meeting of the Environmental Services Committee will be held in the Council Chamber, District Council Building, King George Place, Timaru on Tuesday 27 November 2018 at 9:00am.**

### **Committee Members**

Clrs Kerry Stevens (Chairperson), Sally Parker (Deputy Chairperson), Nigel Bowen, Peter Burt, Andrea Leslie, Paddy O'Reilly, David Jack, Richard Lyon, Steve Wills, the Mayor and a representative of Tangata Whenua.

### **Local Authorities (Members' Interests) Act 1968**

Councillors are reminded that if you have a pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the meeting table.

Bede Carran  
**Chief Executive**

## **Environmental Services Committee**

**27 November 2018**

### **Agenda**

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<b>5</b>		<b>Chairperson's Report</b>
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<b>7</b>	<b>6</b>	<b>Dangerous and Insanitary Building Policy</b>
<b>8</b>	<b>37</b>	<b>Significant Natural Area Fund Policy (Reviewed)</b>
<b>9</b>		<b>Consideration of Urgent Business Items</b>
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<b>11</b>	<b>63</b>	<b>Exclusion of the Public</b>
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**Environmental Services Committee**  
**for the Meeting of 27 November 2018**

**Report for Agenda Item No 6**

**Prepared by Tracy Tierney**  
**Group Manager Environmental Services**

**Confirmation of Minutes – Environmental Services Committee Meeting 4 September 2018**

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Minutes of a meeting of the Environmental Services Committee held on 4 September 2018.

**Recommendation**

**That the minutes of the Environmental Services Committee meeting held on 4 September 2018, be confirmed as a true and correct record.**

## Timaru District Council

### Minutes of a Meeting of the Environmental Services Committee Held in the Council Chamber, District Council Building, King George Place, Timaru on 4 September 2018 at 9am

**Present** Clrs Kerry Stevens (Chairperson), Nigel Bowen, Peter Burt, David Jack, Andrea Leslie, Richard Lyon, Paddy O'Reilly, Sally Parker, Steve Wills and Tewera King (Mana Whenua)

**Apology** Proposed Clr Burt  
Seconded Clr Jack

"That the apology from the Mayor be accepted."

Motion carried

**In Attendance** Jan Finlayson – Geraldine Community Board (for public part of meeting)  
Neville Gould – Pleasant Point Community Board (for public part of meeting)  
Chief Executive (Bede Carran), Group Manager Environmental Services (Tracy Tierney), District Planning Manager (Mark Geddes), Senior Animal Control Officer (Jo Hamilton)(for item 5), Chief Licensing Inspector (Sharon Hoogenraad)(for item 6) and Council Secretary (Joanne Brownie)

#### 1. Declaration of Conflicts of Interest

Clr Bowen declared a conflict of interest in agenda item 9 - Annual Report to the Alcohol Regulatory and Licensing Authority as his business is listed in the report.

#### 2. Chairperson's Report

The Chairperson reported on meetings he had attended and duties he had carried out on behalf of the Committee since the last meeting including chairing Dog Control Act Hearings, AF8 briefing, Our History Illuminated Celebration, draft District Plan workshop, Council meeting, ECan workshop on public transport, meeting with the Group Manager Environmental Services and other staff on a number of issues.

Proposed Clr Stevens  
Seconded Clr Parker

"That the Chairperson's report be received."

Motion carried

#### 3. Confirmation of the Minutes – Environmental Services Committee Meeting 24 July 2018

Proposed Clr Wills  
Seconded Clr Burt

“That the minutes of the Environmental Services Committee meeting held on 24 July 2018, excluding the public excluded items, be confirmed as a true and correct record.”

Motion carried

**4. Allocation of Significant Natural Areas Fund 2017/2018**

The District Planning Manager presented a report on expenditure from the Significant Natural Areas Fund (SNAF) for the 2017/2018 financial year. A concern was raised that the contestable fund seems to result in mostly weed control, and the most valuable Significant Natural Areas do not always receive the corresponding level of financial support. The meeting was advised that the biodiversity group will look at ways to support landowners to manage their Significant Natural Areas.

Proposed Clr Jack  
Seconded Clr Parker

“That the report be received and noted.”

Motion carried

**5. Dog Control Annual Report 2017/2018**

The Committee considered a report by the Environmental Compliance Manager on the dog control activities during the period 1 July 2017 to 30 June 2018. It was noted that there has been a significant decrease in unregistered dogs as a direct result of the work of the dog control officers.

Proposed Clr Bowen  
Seconded Clr Lyon

- a) “That the Dog Control report be adopted.
- b) That, as required by the Act, the report be publicly notified and forwarded to the Secretary for Local Government.”

Motion carried

**6. Annual Report to Alcohol Regulatory and Licensing Authority for 2017/2018**

Clr Bowen, having declared his conflict of interest at the beginning of the meeting, did not take part in the discussion nor vote on this issue.

The Committee considered a report by the Environmental Compliance Manager together with the Annual Report to the Alcohol Regulatory and Licensing Authority.

Proposed Clr Wills  
Seconded Clr O'Reilly

“That the report be received and noted.”

Motion carried

7. **Exclusion of the Public**

Proposed Clr Burt  
Seconded Clr Bowen

“That the Committee resolves to exclude the public on the grounds contained in Section 48(1) of the Local Government Official Information and Meetings Act:

**District Plan Review**

Section 7(2)(f)(i)

The withholding of the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority.

Section 7(2)(k)

Prevent the disclosure or use of official information for improper gain or improper advantage.”

Motion carried

8. **Readmittance of the Public**

Proposed Clr Burt  
Seconded Clr Leslie

“That the public be readmitted to the meeting.”

Motion carried

The meeting concluded at 9:26am.

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Chairperson

**Item Considered with the Public Excluded Environmental Services Committee  
4 September 2018**

**9. Confirmation of Minutes**

Proposed Clr Wills  
Seconded Clr Jack

“That the public excluded items of the Environmental Services Committee minutes of 24 July 2018 be confirmed.”

Motion carried



**Environmental Services Committee**  
**for the Meeting of 27 November 2018**

**Report for Agenda Item No 7**

**Prepared by**      **Jayson Ellis, Building Control Manager**

**Dangerous and Insanitary Building Policy**

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**Purpose of Report**

1. To inform the committee of the recent changes to the Building Act 2004 that effect the current Earthquake-prone, Dangerous and Insanitary Buildings Policy (Appendix 1), and to decide on the appropriate amendments to the policy.

**Background**

2. The changes to the Building Act 2004 (Act) that came into effect on 1 July 2017 were a result of the Canterbury earthquakes and in particular the performance of Unreinforced Masonry Buildings (URMs). This led to the introduction of sections 133AA-AY to the Building Act which provide special provisions for earthquake-prone buildings and how Territorial Authorities (TA) identify and manage earthquake-prone buildings.
3. Accordingly the introduction of section 133AA-AY to the Building Act has meant that the Earthquake-prone Buildings section of the current Earthquake-prone, Dangerous and Insanitary Building policy is no longer applicable, requiring an amendment to the policy.
4. The policy is required to be updated within 18 months of the commencement date of the amendments to the Act so by 31 December 2018.
5. Another amendment made to the Act from 1 July 2017, recognised that a building can potentially be an affected building if it is adjacent to, adjoining or nearby a dangerous building. This amendment did not provide a specific date by which the changes should be incorporated into the Dangerous and Insanitary Buildings policy. Rather that it be included at the next review of the policy which must happen at intervals of not more than 5 years.
6. The proposed amendments to the policy were not considered material so did not require the special consultative procedure (SCP) to be undertaken. However we have recently become aware that while that is the case for exclusions of the earthquake-prone building provisions, advice we have

received is that it is not the case if we include affected building provisions into the policy at the same time. If we do include affected building provisions it would require the special consultative process to be undertaken.

7. A review of approaches taken by a range of other Territorial Authorities found that most have completed a full review to include affected buildings through the SCP process while at least one Council has determined the changes, including the affected building provisions, did not represent a material change so adopted an updated policy without the SCP process.

### **Options**

1. To adopt the attached policy (Appendix 2) in the interim. The policy has had the earthquake-prone building section removed, other non-material changes made to comply with the Act and adapted to the Council's new policy template. Undertake a full review of the policy within 12 months, using the SCP to include affected buildings provisions into the policy.
2. To complete a full review of the current Earthquake-prone, Dangerous and Insanitary policy as soon as practicable to remove the Earthquake-prone Building section and include the Affected Building provisions section to the policy through the SCP process.

### **Identification of relevant legislation, Council policy and plans**

8. Building Act 2004
9. Local Government Act 2002
10. Earthquake-prone, Dangerous & Insanitary Buildings Policy

### **Assessment of Significance and Engagement**

11. This matter is not deemed significant under the Council's Significant and Engagement Policy.

### **Consultation**

12. No consultation has been undertaken at this stage.

### **Other Considerations**

13. The effect of having a policy that does not address affected buildings is that if Council officers have cause to consider whether a building was dangerous, insanitary or affected it would not have a current, fit for purpose policy to provide clear process. This could mean Council's decision making may be more open to challenge. It is important to note that Council has rarely been required to enforce this legislation and would seek legal advice before proceeding with any enforcement action.

### **Funding Implications**

14. There would be costs associated with the SCP of approximately \$5000 if it were conducted in isolation. However if it is included alongside other planned consultations then the cost would be lower.

### **Conclusion**

That including Affected Buildings would represent a material change and therefore require consultation with the community through the SCP process.

### **Recommendation**

15. That the report be received.
16. That the Committee adopt the Dangerous and Insanitary Policy as per Appendix 2.
17. That this policy be reviewed to include Affected Building provisions and be consulted on with the community through the Special Consultative Procedure as soon as practicable and within 12 months of this resolution.



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# **EARTHQUAKE-PRONE, DANGEROUS & INSANITARY BUILDINGS POLICY**

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**October 2006**

ADOPTED by COUNCIL at a meeting held on 31 October 2006

# TIMARU DISTRICT COUNCIL



## Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006

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## **TIMARU DISTRICT COUNCIL**

### **EARTHQUAKE-PRONE, DANGEROUS AND INSANITARY BUILDINGS POLICY 2006**

#### **Introduction**

Timaru District Council (the Council) is required under section 131 of the Building Act 2004 (the Act) to adopt a policy on earthquake-prone, dangerous and insanitary buildings.

This document sets out the policy adopted by the Council in accordance with the requirements of the Act.

The policy is required to state:

- 1 The approach that the Council will take in performing its functions under the Act.
- 2 The Council's priorities in performing those functions.
- 3 How the policy will apply to heritage buildings.

In developing and adopting its Earthquake-Prone, Dangerous and Insanitary Buildings Policy, the Council has followed the consultative procedure set out in section 83 of the Local Government Act 2002.

The policy document is divided into two parts:

Part A - Earthquake-Prone Buildings; and  
Part B - Dangerous and Insanitary Buildings.

#### **Review**

Pursuant to Section 132 of the Building Act 2004 this policy is required to be reviewed by the Council every five years. Any amendment or replacement of the policy must be in accordance with the Local Government Act 2004 Special Consultative Procedure.

## TIMARU DISTRICT COUNCIL

### PART A - EARTHQUAKE-PRONE BUILDINGS

#### Background

Section 131 of the Building Act 2004 (the Act) requires all territorial authorities (TAs) to adopt a policy on earthquake-prone buildings (EPBs) by 31 May 2006.

The definition of an earthquake-prone building is set out in section 122 of the Act as:

- “(1) *A building is earthquake-prone for the purposes of this Act if, having regard to its condition and to the ground on which it is built, and because of its construction, the building—*
- (a) will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and*
  - (b) would be likely to collapse causing—*
    - (i) injury or death to persons in the building or to persons on any other property; or*
    - (ii) damage to any other property.*
- (2) Subsection (1) does not apply to a building that is used wholly or mainly for residential purposes unless the building—*
- (a) comprises 2 or more storeys; and*
  - (b) contains 3 or more household units.”*

The government has, in regulations, defined a moderate earthquake as “*in relation to a building, an earthquake that would generate shaking at the site of the building that is of the same duration as, but that is one-third as strong as, the earthquake shaking (determined by normal measures of acceleration, velocity and displacement) that would be used to design a new building at the site*”.

These definitions cover more buildings and require a higher level of structural performance of buildings than required by the Building Act 1991.

This document sets out the policy adopted by the Timaru District Council (the Council) in accordance with the new requirements of the Building Act 2004.

The Council has made extensive use of the Department of Building and Housing’s (DBH) guidance document and, for ease of reference, the policy has been set out in the same format as the DBH policy template.

#### 1.0 Policy Approach

##### 1.1 Policy Principles

The Council has noted that provisions of the Building Act in regard to earthquake-prone buildings reflect the government’s broader concern with the life safety of the public in buildings and, more particularly, the need to address life safety in earthquake.

The Council has also noted that the development of EPB policies is up to each TA and has responded accordingly.



This policy will be developed after due consultation with Timaru District Council ratepayers and stake-holders in accordance with section 83 of the Local Government Act 2002.

## 1.2 Overall Approach

The Council is in a zone of low seismicity and its buildings comprise a range of types and ages reflecting steady development over the last 100 years from unreinforced masonry buildings to modern steel and concrete buildings. Refurbishment and redevelopment for new uses has meant some of the unreinforced masonry and brick buildings have undergone some levels of strengthening.

In the past the Council has not actively pursued a policy of identifying and strengthening every earthquake-prone building. During the 1980s Timaru City Council undertook surveys of buildings in the central business district. This identified those buildings that fell within the earthquake-prone classification applicable at that time.

Strengthening work undertaken to date has either been as a result of:

- Property owners acting on their own accord; or
- Major upgrades of Council owned heritage classified buildings. Examples are the Council Offices and the Theatre Royal; or
- Where property owners have applied for a building consent for a change of use of their buildings or part of their building and strengthening has been required (see 46, Building Act 1991) and now section 115, Building Act 2004.

This policy reflects the Council's role to reduce earthquake risk over time in a way that is acceptable in social and economic terms to its ratepayers.

In developing its approach to this policy the Council has to consider key issues of:

- Economic impacts of progressively strengthening building stock in anticipation of an earthquake that could damage the building stock.
- Economic impacts of **not** strengthening building stock and incurring the cost of repair/replacement all at the time and at the same time that infrastructure may be damaged and require repair as the result of an earthquake.
- The level of risk to human life and safety which can be tolerated over both the short and long term if building strengthening is delayed.

In considering the key issues, the Council needs to achieve a balance between a number of conflicting issues and concerns:

- The safety of the public when an earthquake event occurs.
- The likelihood, severity and potential timing of a major earthquake and effects on different locations within the district.
- The economic impact on the district of a major earthquake.
- The relative age and condition of non-residential buildings within the district.

- The costs of undertaking a comprehensive review of potentially earthquake-prone buildings and the availability of funding for this work.
- The costs of planned and progressive strengthening of buildings versus the economic impact of catastrophic failures caused by an earthquake.
- The costs to building owners of undertaking various levels of strengthening work and the potential economic impact (including loss of businesses) to the district.
- The risk that buildings which are uneconomic to strengthen will be removed and that the character of the built environment in Timaru District will alter as a result.
- The potential loss of heritage buildings as the result of this process.
- The need for statutory compliance by building owners and the Council.

Timaru District Council's Earthquake-prone Building Policy needs to reflect Council's approach to reduce earthquake risk over time, but in a way that is acceptable to its ratepayers in terms of the key well-beings; economic, social, environmental and cultural.

### 1.3 Identifying Earthquake-Prone Buildings

The Council does not intend to conduct a preliminary "desk top" assessment of the district's building stock. Alternatively the following criteria will drive when the Council become involved:

- 1 When application for building consent is received; or
- 2 When a change of use occurs; or
- 3 When an application for Certificate of Acceptance is received (subject to the building work having been carried out after the introduction of this policy); or
- 4 When complaints or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment.

#### 1.3.1 Building Consent and Certificate of Acceptance Applications

On receipt of an application for building consent or certificate of acceptance the Council may:

- 1 Require an assessment of structural strength of the entire building or parts of the building. Such an assessment will address whether or not the building could be earthquake-prone;
- 2 Subsection 1 above will only apply when the estimated value<sup>1</sup> of building work to which the application relates exceeds<sup>2</sup> 25% (or 30% for heritage building) of the Value of Improvements appearing on the district valuation role at the time of the application. The following also applies:

<sup>1</sup> See definition, Section 7, Building Act 2004.

<sup>2</sup> See definition, Section 2, Rating Valuations Act 1998.

- i) Upgrading will be required if the total estimated value of building work for applications approved for and over a five year period exceed 25% (or 30% for heritage buildings) of the value of improvements.
- ii) Where the subject building is one of a number of buildings on the site the valuation service provider for the Council will be consulted to ascertain the individual building value of improvement breakdown from the property database.
- iii) Notwithstanding subsection 2 building work that relates to specified systems<sup>3</sup> and access and facilities for people with disabilities<sup>4</sup> shall not be considered when assessing the estimated value of building work as a % of the value of improvements.

#### **1.4 Assessment and Strengthening Criteria**

For practical purposes, the Council will define earthquake-prone buildings as those that, when subject to moderate earthquake shaking, do not meet or exceed the criteria for ultimate limit state as defined in the loadings and materials standards for new buildings.

The ultimate limit state condition is reached when the structure loses structural integrity, becomes unstable or loses equilibrium under design seismic action but does still retain a small residual load bearing capacity that prevents local or global collapse.

The Council will use the NZSEE recommendations as its preferred basis for defining technical requirements and criteria. These recommendations are designed to be used in conjunction with AS/NZS 1170 Loadings Standard, NZS 3101 Concrete Structures Standard, NZS 3404 Steel Structures Standard and other materials Standards.

The Council will require prior assessment and reporting to be undertaken by an appropriately qualified person e.g. a Chartered Professional Engineer with expertise in Earthquake Engineering.

The Council anticipates that in the majority of occasions, that the building owner will commission structural strength assessment reports on affected buildings. However, the Council recognises that at times to fulfil its statutory obligations that some investigations and assessment may have to be commissioned by the Council and recovered from the building owner.

Notwithstanding the above, the Council acknowledges that NZSEE guidelines do not specifically include other structures, (eg bridges, retaining walls etc) and in this instance Council will come to an agreement with the building owner in respect to the procedure and methodology for assessment and strengthening.

#### **1.5 Taking Action on Earthquake-Prone Buildings**

Where the buildings potential earthquake-prone status is verified the Council will require the building owner to undertake, within fifteen years of the date of the

<sup>3</sup> See definition, Section 7, Building Act 2004 and Building (specified systems, change the use, and earthquake-prone buildings) Regulations 2005.

<sup>4</sup> See Section 118, Building Act 2004.

application, the strengthening work required to remove the earthquake-prone status of the building.

The Council will:

- Advise and liaise with owners of buildings identified as earthquake-prone.
- Encourage owners to carry out an independent assessment of the structural performance of those buildings identified as earthquake-prone.
- Serve formal notices on owners of earthquake-prone buildings in accordance with the Building Act 2004, requiring them to remove the risk.

## **1.6 Interaction between EPB Policy and Related Sections of Building Act 2004**

### **1.6.1 Section 97: Certificates of Acceptance**

Whenever an application for certificate of acceptance is received for building work carried out after the introduction of this policy, then the identification of earthquake-prone buildings, assessment criteria and strengthening criteria procedures will be activated.

### **1.6.2 Section 112: Alterations to Existing Buildings**

Whenever an application for building consent is received for an alteration to an existing building, then the (subject to 1.13.1) identification of earthquake-prone buildings assessment criteria and strengthening criteria procedures will be activated.

### **1.6.3 Section 115: Change of Use**

Whenever a building consent application is received for change of use of a building that is or could be earthquake-prone, then, irrespective of the general priorities set by the Council for dealing with earthquake-prone buildings, it will be a requirement of the building consent that the owner make a detailed assessment of the earthquake performance of the building to determine whether or not it is an earthquake-prone building in its existing condition.

If the building is shown to be earthquake-prone then the Council will require that the building be strengthened to comply as nearly as is reasonably practicable with every provision of the Building Code that relates to structural performance as is required by section 115(b)(i)(A). (In this instance the requirement for earthquake-prone buildings would be the same as that for non-earthquake-prone buildings.)

## **1.7 Dealing with Building Owners**

The steps in the process are outlined in 1.6 above.

- 1 Before exercising its powers under section 124, the Council will seek, within a defined time-frame, to discuss options for action with owners with a view to obtaining from the owner a mutually acceptable approach for dealing with the risk, leading to receipt of a formal proposal from owners for strengthening or removal of the risk.
- 2 In the event the discussions do not yield a mutually acceptable approach and proposal, the Council will serve a formal notice on the owner to strengthen or remove the earthquake-prone risk of the building.

### **1.8 Recording a Building's EPB Status**

The Council will keep a register of all earthquake-prone buildings noting the status of requirements for improvement or the results of improvement as applicable.

In addition, the following information will be placed on the LIM for each earthquake-prone building:

- Address and legal description of land and building;
- Statement that the building is on the Council's register of earthquake-prone buildings;
- Date by which strengthening and/or removing the risk is required (if known);
- Statement that further details are available from the Council to those who can demonstrate a genuine interest in the property.

### **1.9 Economic Impact of Policy**

The policy has the economic impacts of;

- A cost met by the building consent owner for verifying or contesting Council's evaluation.
- Costs met by the building owner for strengthening work required by Council.
- Benefits to occupiers and users of buildings where risk from earthquakes are reduced.

These costs and benefits are difficult to quantify and the exercise is of limited value as in implementing this legislation parliament implicitly decided that the imposition of these costs is justified by the benefits.

### **1.10 Access to EPB Information**

Information concerning the earthquake status of a building will be contained on the relevant LIM.

In addition, the Council will keep a record of the NZSEE grade of all buildings assessed, and will encourage all owners of significant buildings to have them assessed and graded. The Council recognises the long term benefits of increased public awareness.

The Council will not require earthquake-prone buildings to have an identifying plaque. We believe that having the information available at the Council offices is sufficient notice at present.

In granting access to information concerning earthquake-prone buildings, the Council will conform to the requirements of the relevant legislation.

## **2.0 Heritage Buildings**

The Council, in the implementation of procedures under the Building Act 2004 with regard to earthquake-prone buildings, will take into account any special traditional and cultural aspects of the intended use of a building and the need to facilitate the

preservation of buildings of significant cultural, historical, or heritage value. This will be achieved by:

- Recognising the range of heritage buildings that may exist in the district, including the NZHPT Register, and any statutory protection, including any listing in the District Plan.
- Ensuring consultation with owners of heritage buildings.
- Informing and involving relevant statutory organisations, including NZHPT with regard to any heritage buildings identified as at risk.
- Considering heritage values when managing any building identified as at risk.
- Considering heritage values when developing upgrading proposals.
- Considering the heritage significance, integrity and condition of the historic heritage including any significant components or fabric and features of heritage values.

Following this consultation period, notices will be served requiring improvement or removal of earthquake-prone heritage buildings within a stated time-frame.

## **PART B - DANGEROUS AND INSANITARY BUILDINGS**

### **Background**

Section 131 of the Building Act 2004 (the Act) requires territorial authorities (TAs) to adopt a policy on dangerous buildings by 31 May 2006. The definitions of dangerous or insanitary buildings are set out in section 121(1) and 123 of the Act (and refer to 4.4 of this policy)

This document sets out the policy adopted by Timaru District Council (Council) in accordance with the requirements of the Building Act 2004.

### **3.0 Policy Approach**

#### **3.1 Policy Principles**

The Council has noted that provisions of the Act in regard to dangerous or insanitary buildings reflect the government's broader concern with public safety.

Early detection and rectification of dangerous or insanitary buildings has a strong relationship with Council's strategy for a safe district. This policy is being developed after due consultation with the district's ratepayers and stakeholders in accordance with section 83 of the Local Government Act 2002.

#### **3.2 Overall Approach**

The Timaru District is experiencing strong growth, which is placing considerable pressure on Council to ensure that all buildings are safe. Conversions of existing buildings, lack of maintenance, overcrowding and un-consented alterations can cause serious safety problems. The Council is frequently dealing with un-consented alterations and lack of maintenance which can cause serious safety problems.

The failure to obtain a building consent or the use of buildings for unauthorised purposes can pose a danger to the occupants as well as users. Dangers may include inadequate fire protection, means of escape or danger of collapse.

The Council is actively involved in educating the public on Building Act matters with a view to encourage owners to obtain building consent. The Council will follow the NZ Society of Local Government Managers Legal Guidance Documents in initiating enforcement action under the Building Act when dealing with dangerous or insanitary buildings. This is expected to provide a strong message to the public that Council is taking building safety matters seriously. Such corrective action is likely to have a deterrent effect on those building owners who fail to maintain their buildings in a safe or sanitary condition.

#### **3.3 Identifying Dangerous or Insanitary Buildings**

The Council will:

- 1 Respond when complaints or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment;
- 2 Identify from these investigations any buildings that are dangerous or insanitary;



- 3 Inform the owner and occupier of the building to take action to reduce or remove the danger or insanitary condition, as is required by s123, s124 and s125 of the Act;
- 4 Liaise with the New Zealand Fire Service when Council deems it appropriate, in accordance with s121(2) of the Act:

### 3.4 Assessment Criteria

The Council will assess dangerous or insanitary buildings in accordance with s121 or s123 of the Act:

- “(1) A building is dangerous for the purposes of this Act if,—*
- (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building 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.*
- (2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority—*
- (a) may seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and*
  - (b) if the advice is sought, must have due regard to the advice.”*

*“A building is insanitary for the purposes of this Act if the building—*

- (a) is offensive or likely to be injurious to health because—*
  - (i) of how it is situated or constructed; or*
  - (ii) it is in a state of disrepair; or*
- (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or*
- (c) does not have a supply of potable water that is adequate for its intended use; or*
- (d) does not have sanitary facilities that are adequate for its intended use.”*

### 3.5 Liaison with Building Owners and Taking Action on Dangerous or Insanitary Buildings

In accordance with s123, s124 and s125 of the Act the Council will:

- 1 Advise and liaise with the owner(s) of buildings (where the building is a heritage building listed in Council's District Plan or building listed in the New Zealand Historic Places Register, the New Zealand Historic Places Trust shall also be advised and consulted);
- 2 May request a written report on the building from the New Zealand Fire Service;

If found to be dangerous or insanitary the Council may:

- 1 Attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than 10 days, to reduce or remove the danger;



- 2 Give copies of that notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places Trust, if the building is a registered heritage building;
- 3 Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with;
- 4 Where the danger is the result of non-consented building work the owner will formally be requested to provide an explanation as to how the work occurred and who carried it out and under whose instructions;
- 5 Pursue enforcement action under the Act if the requirements of the notice are not met within a reasonable period of time as well as any other non-compliance matters.

If the building is considered to be Immediately Dangerous the Council will:

- 1 Undertake any action to remove that danger (this may include prohibiting persons from using or occupying the building and demolition of all or part of the building); and
- 2 Undertake action to recover costs from the owner(s) when the Council carries out works to remove the danger;
- 3 The owner(s) will also be informed that the amount recoverable by the Council will become a charge on the land on which the building is situated.

All owners have a right of appeal as defined in the Act, which can include applying to the Department of Building and Housing for a determination under s177(e) of the Act.

### **3.6 Interaction Between Dangerous Building Policy and Related Sections of the Act**

#### **3.6.1 Section 41: Building Consent not required in certain cases**

In cases where a building is assessed as being immediately dangerous the Council may not require a building consent to be obtained for any building work considered to be immediately necessary to remove the danger. However, prior to any action being taken it is essential that building owners provide a written proposal of any proposed works to the Council.

### **3.7 Record Keeping**

Any buildings identified as being dangerous or insanitary will have a requisition placed on the Council's property database for the property on which the building is situated until the danger or insanitary condition is remedied.

In addition, the following information may be placed on any Land Information Memorandum (LIM):

- 1 Copies of any notices issued where a building is dangerous or insanitary and requires evacuation of the building;
- 2 Copies of any letters sent to the owner, occupier and any other person where a building is dangerous or insanitary;

- 3 Copies of any notices given under s124(1) which identifies the work to be carried out on a building and the timeframe given to reduce or remove the danger or insanitary condition.

### **3.8 Economic Impact of Policy**

Due to the low number of dangerous or insanitary buildings encountered annually by the Council the economic impact of this policy is considered to be minor.

### **3.9 Access to dangerous or Insanitary Building Information**

Information concerning dangerous or insanitary buildings will be contained on the relevant Land Information Memorandum (LIM).

In granting access to information concerning dangerous or insanitary buildings, the Council will act in accordance with the requirements of the Local Government Official Information and Meeting Act 1987 and the Local Government Act 2002.

### **4.0 Priorities**

The Council will give priority to buildings that have been determined to be immediately dangerous. Immediate action will be required in these situations to remove the danger, such as prohibiting any person from occupying or using the building. If necessary the building will be secured to prevent entry.

Buildings that are determined to be dangerous, but not immediately dangerous, will be subject to the minimum timeframes for reduction or removal of the danger (being not less than 10 days) as set out in s124(1)(c) of the Act.

### **5.0 Heritage Buildings**

The Council, in the implementation of procedures under the Building Act 2004 with regard to dangerous or insanitary buildings, will take into account any special traditional and cultural aspects of the intended use of a building and the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value. This will be achieved by:

- Recognising the range of heritage buildings that may exist in the district, including the NZHPT Register and any statutory protection including any listing in the District Plan.
- Consultation with owners and NZHPT in relation to any proposed written notice requiring work.
- Informing and involving relevant statutory organisations, including NZHPT with regard to any heritage building identified as at risk.
- Considering heritage values when developing and managing upgrading proposals.
- Consideration in respect to alternative methods to avoid unnecessary demolition for heritage buildings including:
  - Restricting public access and erecting public warning notices.
  - Providing extended timeframes for heritage buildings in relation to any written notice requiring work.

- Ensuring that any written notice requiring work provides options to repair the building as appropriate.

The Council will serve notices requiring upgrading or removal within specified timeframes, in consultation with building owners.

# EARTHQUAKE-PRONE, DANGEROUS & INSANITARY BUILDINGS POLICY

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## SUMMARY

### BACKGROUND

Timaru District Council (the Council) is required under Section 131 of the Building Act 2004 (the Act) to adopt a policy on earthquake-prone, dangerous and insanitary buildings. The following document represents a summary of the policy.

### PURPOSE OF POLICY

The purpose of the policy is to reduce the level of risk to people from buildings considered to be earthquake-prone, dangerous or insanitary.

In preparing this policy the Council has had regard to the legislative requirements and in particular the need to preserve the health and safety of the people of the district.

At the same time, the Council has also been conscious of the potential social and economic impacts of a vigorous and pro-active approach to this issue.

Therefore a passive approach has been adopted that meets the requirements of the legislation while emphasising a balance between community safety and economic welfare.

The policy must state:

- a) the enforcement approach Council will take in relation to 'at risk' buildings
- b) Council's priorities for this approach
- c) How the policy will apply to heritage buildings

### POLICY APPROACH

The key areas the policy covers are:

- How earthquake-prone, dangerous or insanitary buildings are identified and criteria for when Council will become involved
- Assessment and strengthening criteria
- How Council will take action to deal with earthquake-prone, dangerous or insanitary buildings
- Councils approach to dealing with building owners
- How earthquake-prone, dangerous or insanitary buildings will be recorded within Council systems and access to information
- Priorities for Council action
- Treatment of Heritage buildings

### Earthquake-Prone Buildings Policy - Key Points

This policy reflects the Council's role to reduce earthquake risk over time in a way that is acceptable in social and economic terms to its ratepayers. The definition of an earthquake-prone building is more extensive under the Act but does not apply to buildings used for residential purposes, unless they have 2 or more storeys and 3 or more household units.

The Council will become involved:

- i) When an application for building consent is received; or
- ii) When a change of use occurs; or

- iii) When an application for Certificate of Acceptance is received (subject to the building work having been carried out after the introduction of this policy); or
- iv) When complaints or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment.

*Taking Action:* Where the buildings potential earthquake-prone status is verified the Council will require the building owner to undertake, within fifteen years of the date of the application, the strengthening work required to remove the earthquake-prone status of the building. The Council will:

- Advise and liaise with owners of buildings identified as earthquake-prone.
- Encourage owners to carry out an independent assessment of the structural performance of those buildings identified as earthquake-prone.
- Serve formal notices on owners of earthquake-prone buildings in accordance with the Building Act 2004, requiring them to remove the risk.

*Heritage Buildings* - Heritage buildings will be assessed in the same way as other potentially earthquake-prone buildings and discussions held with owners and the Historic Places Trust to identify a mutually acceptable way forward. Special efforts will be made to meet heritage objectives.

Following this consultation period, notices will be served requiring improvement or removal of earthquake-prone heritage buildings within a stated (and preferably agreed) time-frame.

### **Dangerous and Insanitary Buildings Policy - Key Points**

The Council will:

- 1 Respond when complaints or concern is received about the state of a building and the Council considers there are grounds for further investigation and assessment;
- 2 Identify from these investigations any buildings that are dangerous or insanitary;
- 3 Inform the owner and occupier of the building to take action to reduce or remove the danger or insanitary condition
- 4 Liaise with the New Zealand Fire Service when Council deems it appropriate

*Taking Action:*

If found to be dangerous or insanitary the Council may:

- 1 Attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than 10 days, to reduce or remove the danger;
- 2 Give copies of that notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places Trust, if the building is a registered heritage building;
- 3 Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with;
- 4 Where the danger is the result of non-consented building work the owner will formally be requested to provide an explanation as to how the work occurred and who carried it out and under whose instructions;
- 5 Pursue enforcement action under the Act if the requirements of the notice are not met within a reasonable period of time as well as any other non-compliance matters.

If the building is considered to be Immediately Dangerous the Council will:

- 1 Undertake any action to remove that danger (this may include prohibiting persons from using or occupying the building and demolition of all or part of the building); and
- 2 Undertake action to recover costs from the owner(s) when the Council carries out works to remove the danger;
- 3 The owner(s) will also be informed that the amount recoverable by the Council will become a charge on the land on which the building is situated.

The Council will give priority to buildings that have been determined to be immediately dangerous.

*Heritage Buildings* - Heritage buildings will be assessed in the same manner as other potentially dangerous or insanitary buildings

## CONSULTATION PROCESS - HOW TO HAVE YOUR SAY

### Copies

The full policy can be downloaded from the TDC website ([www.timaru.govt.nz](http://www.timaru.govt.nz)) or obtained through the Council offices and service centres or by phoning Council (03 687 7200) for a copy.

### Having Your Say

Submissions on the policy are welcome and can be made by:

- writing a letter
- using the submission forms provided
- e-mail to [submission@timdc.govt.nz](mailto:submission@timdc.govt.nz)
- by submitting your comments through the Council's website at [www.timaru.govt.nz](http://www.timaru.govt.nz).

**Submissions open:** Saturday, 12 August 2006  
**Submissions close:** Tuesday, 12 September 2006, 5pm

You are welcome to speak in support of your submission if you wish. The submissions will be considered at a meeting during September/October, if required. **Please indicate when making your submission whether you wish to speak to it and provide contact details.**

### Queries

If you have questions on the policy, please contact Robert Wright, Building Advisory Services Manager. If you have any queries about the consultation process associated with the policy, please contact Mark Low.

## Appendix 2 – Proposed Dangerous and Insanitary Buildings Policy

### Dangerous and Insanitary Buildings Policy



<b>Approved by:</b>	Timaru District Council, Standing Committee
<b>Date Approved:</b>	
<b>Keywords:</b>	Dangerous and Insanitary Buildings

### 1. Introduction

- 1.1. The Dangerous and Insanitary Buildings Policy (Policy) has been prepared by the Timaru District Council to comply with section 131 of the Building Act 2004 (the Act). The Act requires the Council to have a policy on Dangerous and Insanitary Buildings.
- 1.2. This policy supersedes the Council's Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2006 and sets out the policy adopted by Timaru District Council in accordance with the requirements of the Act.
- 1.3. All requirements regarding earthquake-prone building have been removed from the Policy as they are now covered by sections 133AG - 133AY of the Act.
- 1.4. Early detection and rectification of dangerous or insanitary buildings has a strong relationship with the Council's strategy for a safe district. It is important that the Council protects public health through a balanced risk-based approach to ensure buildings are structurally sound, do not pose health risks and perform their function without putting the health of residents and visitors at risk.

### 2. Purpose of the Policy

- 2.1. The purpose of the Policy is to:
  - Reduce the potential risk posed to residents in the district by dangerous and insanitary buildings;
  - Improve the control of, and encourage better practice in design and construction; and
  - Provide a clear framework of how the Council will manage dangerous and insanitary buildings.
- 2.2. In setting the Policy, the Council has endeavoured to strike a balance between the threats posed by dangerous and insanitary buildings and the broader social and economic issues affecting the community that are involved.
- 2.3. The relevant principles of section 4 of the Act have been taken into account in preparing the Policy, and will be taken into account in the performance of the Council's functions, powers and duties.

### 3. Policy Scope

3.1. The Policy applies to all buildings within the Timaru District Council Territorial Authority District.

3.2. The Policy sets out:

- The approach that the Council will take in performing its functions under Part 2 of the Act;
- The Council's priorities in performing those functions; and
- How the Policy will apply to heritage buildings.

### 4. Definitions

4.1. For the purposes of the Policy the definitions in the table below shall apply.

4.2. Where a definition has the same meaning as a definition in the Act, the definition for the purposes of the Policy includes any subsequent amendment to the definition in the Act. For the avoidance of doubt, where a definition in the Act differs from a definition in the Policy, the definition in the Act has precedence.

Term	Definition
<b>The Act</b>	means the Building Act 2004
<b>Authorised Officer</b>	has the same meaning as section 222 of the Act, as follows: means an officer of a Territorial Authority to whom either or both of the following applies:  (a) he or she is authorised to carry out inspections; or  (b) he or she is authorised to enter the land –  (i) by this Act; or  (ii) by an order of the District Court made under section 227.
<b>Building</b>	has the same meaning as section 8 of the Act, as follows: In this Act, unless the context otherwise requires, building –  (a) means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and  (b) includes -  (i) a mechanical, electrical, or other system; and  (ii) a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987; and  (iii) a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long term basis; and  (c) includes any 2 or more buildings that, on completion of building work, are intended to be managed as one building



	<p>with a common use and a common set of ownership arrangements; and</p> <p>(d) includes the non-moving parts of a cable car attached to or servicing a building; and</p> <p>(e) includes the moving parts of a cable car attached to or servicing a building.</p>
<b>Council</b>	means the Timaru District Council
<b>Dangerous Building</b>	<p>has the same meaning as section 121 of the Act, as follows:</p> <p>(1) A building is dangerous for the purposes of this Act, if -</p> <p>(a) In the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause –</p> <p>(i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or</p> <p>(ii) damage to other property; or</p> <p>(b) In the event of fire, injury or death to any persons in the building or to persons on other property is likely.</p> <p>(2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a Territorial Authority –</p> <p>(a) may seek advice from members of the Fire and Emergency New Zealand who have been notified to the territorial authority by the Fire and Emergency New Zealand National Commander as being competent to give advice; and</p> <p>(b) if the advice is sought, must have due regard to the advice.</p>
<b>Heritage Building</b>	<p>has the same meaning as section 7 of the Act, as follows: means a building that is included on -</p> <p>(a) the New Zealand Heritage List/Rarangi Korero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or</p> <p>(b) the National Historic Landmarks/Nga Manawhenua o Aotearoa me ona Korero Tuturu list maintained under s 81 of the Heritage New Zealand Pouhere Taonga Act 2014.</p>
<b>Household Unit</b>	<p>has the same meaning as section 7 of the Act, as follows:</p> <p>(a) means a building or group of buildings, or part of a building or group of buildings, that is –</p> <p>(i) used, or intended to be used, only or mainly for residential purposes; and</p> <p>(ii) occupied, or intended to be occupied, exclusively as the home or residence of not more than one household; but</p> <p>(b) does not include a hostel, boarding house, or other specialised accommodation.</p>

<b>Insanitary Building</b>	<p>has the same meaning as section 123 of the Act, as follows: a building is insanitary for the purposes of this Act if the building –</p> <ul style="list-style-type: none"> <li>(a) is offensive or likely to be injurious to health because - <ul style="list-style-type: none"> <li>(i) of how it is situated or constructed; or</li> <li>(ii) it is in a state of disrepair; or</li> </ul> </li> <li>(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or</li> <li>(c) does not have a supply of potable water that is adequate for its intended use; or</li> <li>(d) does not have sanitary facilities that are adequate for its intended use.</li> </ul>
<b>Inspection</b>	<p>has the same meaning as section 222 of the Act, as follows: means the taking of all reasonable steps -</p> <ul style="list-style-type: none"> <li>(a) to determine whether – <ul style="list-style-type: none"> <li>(i) building work is being carried out without a building consent; or</li> <li>(ii) building work is being carried out in accordance with a building consent; or</li> <li>(iii) a notice to fix has been complied with:</li> </ul> </li> <li>(b) to ensure that – <ul style="list-style-type: none"> <li>(i) in relation to buildings for which a compliance schedule is issued, the inspection, maintenance, and reporting procedures states in the compliance schedule are being complied with; or</li> <li>(ii) in relation to buildings that have specified systems, the requirement for a compliance schedule is being complied with:</li> </ul> </li> <li>(c) to enable an authority to – <ul style="list-style-type: none"> <li>(i) identify dangerous, earthquake-prone or insanitary buildings within its district; and</li> <li>(ii) carry out its functions or duties in relation to those buildings:</li> </ul> </li> <li>(d) to satisfy a Territorial Authority as to whether a certificate of acceptance for building work should be issued under section 96.</li> </ul>
<b>Owner</b>	<p>has the same meaning as section 7 of the Act, as follows: in relation to land and any buildings on the land –</p> <ul style="list-style-type: none"> <li>(a) means the person who - <ul style="list-style-type: none"> <li>(i) is entitled to the rack rent form the land; or</li> </ul> </li> </ul>

	<p>(ii) would be so entitled if the land were let to a tenant at a rack rent; and</p> <p>(b) includes -</p> <p>(i) the owner of the fee simple of the land; and</p> <p>(ii) for the purposes of sections 32, 44, 92, 96, 97 and 176(c), any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force.</p>
<b>Territorial Authority</b>	<p>has the same meaning as section 7 of the Act, as follows:</p> <p>(a) means a city council or district council named in Part 2 of schedule 2 of the Local Government Act 2002; and -</p> <p>(i) in relation to land within the district of a territorial authority, or a building on or proposed to be built on any such land, means territorial authority; and</p> <p>(ii) in relation to any part of a coastal marine area (within the meaning of the Resource Management Act 1991) that is not within the district of a territorial authority, or a building on or proposed to be built on any such part, means the Territorial Authority whose district is adjacent to that part; and</p> <p>(b) includes the Minister of Conservation or the Minister of Local Government, as the case may be, in any case in which the Minister of Conservation or the Minister of Local Government is the Territorial Authority under section 22 of the Local Government Act 2002.</p>

## 5. The Council's Role

- 5.1. When buildings that may be dangerous or insanitary come to the attention of the Council, the Council will act promptly to investigate and if determined to be dangerous or insanitary ensure they are made safe.
- 5.2. A building may become dangerous or insanitary due to a number of reasons such as unauthorised alterations being made from a fire, a natural disaster, or as a result of use by an occupant.
- 5.3. The Council has a statutory responsibility to act promptly to ensure the safety of persons or property when buildings that may be dangerous or insanitary come to the Council's attention.

## 6. The Council's Policy

### *Approach to Dangerous and Insanitary Buildings*

- 6.1. The Council will not actively inspect all buildings within the district but will make it a priority to quickly and efficiently respond to any information received regarding potentially dangerous and insanitary buildings.

### *Application of the Policy to Heritage Buildings*

- 6.2. This Policy applies to heritage buildings in the same way it applies to all other buildings. Where the Council receives information regarding buildings which have a heritage classification under Heritage New Zealand Pouhere Taonga, in addition to consulting with affected owners, the Council will consider seeking advice from Heritage New Zealand Pouhere Taonga.

### *Co-operation with other Agencies*

- 6.3. The Council will work with Heritage New Zealand Pouhere Taonga, Fire and Emergency New Zealand, the New Zealand Police and other agencies to achieve the purpose of the Building Act 2004.

### *Costs*

- 6.4. The Council may issue a notice under section 124(2)(c) of the Act requiring work to be carried out on dangerous or insanitary buildings to reduce or remove the danger, or to prevent the building from remaining insanitary. If work required under such a notice issued by the Council is not completed or proceeding with reasonable speed, the council may invoke its powers under section 126 of the Act and apply to the District Court to gain authorisation to carry out building work required in the notice.
- 6.5. If the Council carries out building work, it is entitled to recover costs associated with that work from the building owner, as set out in section 126(3) of the Act.

### *Immediate Danger*

- 6.6. If a building presents an immediate danger or health hazard to people within and/or around it, or to surrounding buildings, the Council may choose to invoke its powers under section 129 of the Act.

## **7. Procedures**

### *Detect*

- 7.1. Once the Council has received information regarding a potentially dangerous or insanitary building, it will:
  - a. Check the details of the property against Council records;
  - b. Have an authorised officer undertake an inspection of the building in question. In doing this, the Council may seek advice from Fire and Emergency New Zealand, or any other professional or organisation deemed appropriate by the council; and
  - c. Prepare an inspection record.

### *Assess*

- 7.2. All inspections of potentially dangerous or insanitary buildings will involve an assessment of the building's condition in terms of the definitions in sections 121 and 123 of the Act, and the current building code requirements. Inspection records will be prepared in all cases.

### *Act*

- 7.3. Once the Council is satisfied that a building is dangerous or insanitary, it may:
- a. Consult with the owner of the building to further determine the circumstances and decide on an appropriate course of action.
  - b. Inspect any building, except a household unit to identify whether it is dangerous or insanitary. Authorised officers are entitled at all times, during normal working hours, to inspect any building to identify any dangerous or insanitary buildings and are not required to inform or obtain approval for inspections to determine whether or not a building is dangerous or insanitary, unless the building is a household unit. In the case of a household unit the Council must either obtain consent of the occupier of the household unit or an order from a District Court.
  - c. Invoke its powers under Section 124, 126 or 126 or 129 of the Act where a mutually acceptable outcome cannot be reached, or where the situation requires.
  - d. Inform complainants of the inspection results and the Council's intended course of action to deal with the situation.

### *Priorities*

- 7.4. The Council will give priority to buildings that have been determined to be immediately dangerous. Immediate action will be required in these situations to remove the danger, such as prohibiting any person from occupying or using the building. If necessary, the building will be secured to prevent entry.

### *Record Keeping*

- 7.5. Any buildings identified as being dangerous or insanitary will have a requisition placed on the Council's property database for the property on which the building is situated until the dangerous or insanitary condition is remediated.
- 7.6. In addition, the following information may be placed on any Land Information Memorandum (LIM):
- a. copies of any notices issued where a building is dangerous or insanitary and requires evacuation of the building;
  - b. copies of any letters sent to the owner, occupier and any other person where a building is dangerous or insanitary; and
  - c. copies of any notices given under s 124(1) which identifies the work to be carried out on a building and the timeframe given to reduce or remove the danger or insanitary condition.

### *State of Emergency*

- 7.7. Where a state of emergency has been declared (or following a state of emergency, when a transition period has been declared) the Council may choose to exercise powers under the Civil Defence Emergency Management Act 2002 instead of or in addition to powers under the Building Act 2004.

## **8. Amendments**

- 8.1. The Policy may be amended when required, subject to the provisions of the Act.

## **9. Application and Review**

- 9.1. This Policy will be reviewed at least every five years as required by section 132(4) of the Building Act 2004.
- 9.2. This Policy will take effect from [date] which is the date it was formally adopted by the Council.
- 9.3. This Policy does not cease to have effect because it is due for review or it is being reviewed.

<b>5.0 Delegations, References and Revision History</b>					
<b>5.1 Delegations</b>					
<b>Delegation</b>					<b>Delegations Register Reference</b>
Include summary of delegation					Include Delegations Register reference
<b>5.2 References</b>					
<b>Title</b>					<b>Document Reference</b>
Identify title of any documents related to the policy					Include Record Number of Document and what Folder it is included within TRIM (e.g. #12232, F123: Dog Control Policy)
<b>5.3 Revision History</b>					
<b>Revision #</b>	<b>Policy Owner</b>	<b>Date Approved</b>	<b>Approval by</b>	<b>Date of next review</b>	<b>Document Reference</b>
Include Revision Number	Include Position Title of manager responsible for policy	Include Date of approval/adoption of policy	Include name of Council, Committee or management team as appropriate who approved/adopted the policy	Identify the date of the next proposed review	Include Record Number of Document and what Folder it is included within in TRIM (e.g. #12232, F123: Dog Control Policy)

# Environmental Services Committee

## for the Meeting of 27 November 2018

Report for Agenda Item No 8

Prepared by      Megan Geng  
Planner

### Significant Natural Areas Fund Guidelines Review

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#### Purpose of Report

1. This report seeks approval for the amendment of the Significant Natural Areas Fund (SNAF) – Fund Criteria and Application Guidelines.

#### Background

The Existing SNAF Guidelines

2. The aim of the SNAF is to *‘assist and actively encourage landowners and members of the Timaru District community to manage, protect and enhance significant native vegetation and significant habitats of native fauna’*. The fund has an annual budget of \$30,000 and can contribute up to 50% of project costs with a cap of \$5,000 per project.

#### Issues with the SNAF

3. The SNAF has a history of being under allocated which is mainly due to a lack of uptake from landowners. This could be for a variety of reasons, including that the fund has a relatively small limit (\$5,000) per grant, it requires 50% funding by the landowner, lack of landowner’s engagement and lack of promotion of ecological conservation.
4. Being a contestable fund has also meant that the SNAF has not targeted high value or at risk Significant Natural Area/s (SNA/s). In acknowledging the importance of protecting SNAs, the Committee resolved in September 2017 that the SNAF be altered to enable the ability to fund 100% of Council initiated projects for the 2016/17 and 2017/18 financial years.

#### Reasons for Review

5. In considering the SNAF allocation report on 5 September 2017, the Environmental Services Committee recognised the existing Guidelines do not enable the effective use of the SNAF and resolved that *“the SNA fund policy is reviewed over the coming year in line with best practice”*. Accordingly, this report documents the review of the SNAF and attaches a revised version (Appendix 1) for the Committee’s consideration. The revised version of the SNAF has been



recommended by the Biodiversity Steering Group being part of their terms of reference agreed by the Committee.

#### *The Long Term Plan*

6. The Long Term Plan 2018-2028 (LTP) increases the SNA Fund from \$30,000 to \$100,000 per annum. The LTP recognised that the fund *“will be used for physical works to maintain Significant Natural Areas, education, information and support for landowners, and collaboration with stakeholders and partner agencies.”* To enable the fund to be spent in the anticipated areas, a review of the existing SNAF Guidelines is required.

#### *Review Process*

7. An initial review of the SNAF was conducted by staff in August 2018. Findings from the review were presented to the Biodiversity Steering Group, who subsequently have recommended the final draft amendments to the Committee.

#### *Key Amendments*

8. As a result of the review, the following amendments to the SNAF are recommended:
  - a. Introduction of a new funding category of \$70,000 per annum for Council initiated projects. Projects in this category will include works on high value SNAs. This category also includes projects to educate, inform and support landowners of the value and importance of protecting SNAs. It is proposed that these projects will be funded 100% from the SNAF. The Biodiversity Steering Group will be consulted about this expenditure. Decisions on the expenditure will be made under delegated authority by District Planning Manager and Group Manager Environmental Services.
  - b. It is proposed to maintain the fund at \$30,000 per annum for contestable applications. The maximum grant is proposed to be capped at \$10,000 per project, generally with 50% of the project costs being funded but on a case by case basis up to 100%. This differs from the existing SNAF that has a limit of \$5,000 per project and requires applicants to pay 50% of the costs.
9. A number of other minor amendments have been proposed in the interests of clarity and in order to rectify grammatical errors.

#### **Options**

10. The options to address this matter are:
  - a. Adopt the revised SNAF Guidelines attached as Appendix 1.
  - b. Request changes to the revised SNAF Guidelines attached as Appendix 1.
  - c. Retain the existing SNAF Guidelines attached as Appendix 2.

11. Adopting the revised SNAF Guidelines will ensure that the fund will effectively achieve Council's goal to protect and enhance SNAs. The revised SNAF will target high value SNAs, while ensuring landowners can still apply to the SNAF.
12. Retaining the existing SNAF Guidelines would mean that:
  - a. Council will not be able to target protection of high value SNAs that are under threat;
  - b. Under allocation of the SNA fund may continue;
  - c. SNAs are less likely be protected and enhanced.

### **Identification of Relevant Legislation, Council Policy and Plans**

Resource Management Act 1991.

Timaru District Plan 2005.

Significant Natural Areas Fund - Fund Criteria & Application Guidelines.

Timaru District Council Long Term Plan 2018-2028.

### **Funding Implications**

13. \$100,000 per annum for the three years to 2020/2021 is already included in the budget.

### **Significance**

14. The matter is not considered to be significant in terms of Council's significance and engagement policy.

### **Consultation**

15. The Biodiversity Steering Group have been consulted and recommend the proposed amendments to the SNAF.

### **Conclusion**

16. The Committee should consider amending the SNAF Criteria and Guideline to facilitate the use of the SNAF in line with the Long Term Plan.

### **Recommendation**

**That the Committee resolves to adopt the revised SNAF Criteria Guidelines attached as Appendix 1.**

## Appendix 1 – Significant Natural Areas Fund Criteria and Guidelines (Revised)



# Significant Natural Areas Fund Criteria and Guidelines

*These guidelines specify procedures and conditions that are legally binding for successful applicants.*

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## AIM OF THE SIGNIFICANT NATURAL AREAS FUND

- i. To assist and actively encourage landowners and members of the Timaru District community to manage, protect and enhance significant natural areas; and
- ii. To enable Council to take an active role in managing, protecting and enhancing significant natural areas.

## SIGNIFICANT NATURAL AREAS CRITERIA

A district-wide significant natural areas survey has been conducted by Timaru District Council. In determining whether a natural area is significant in terms of section 6(c) of the Resource Management Act 1991, Council has used the assessment criteria set out in the Canterbury Regional Policy Statement 2013. These criteria assess sites against four key attributes: representativeness, rarity/distinctiveness, diversity and pattern, and ecological context.

## FUNDING CATEGORIES

Two funding categories are provided as follows:

- Category One: Landowner and Community Projects – For projects initiated by landowners and community groups that meet the provisions of Section 4 of these Guidelines.
- Category Two: Council Initiated Projects – For projects initiated by Council in and around priority Significant Natural Areas that meet provisions of Section 5 of these Guidelines.

## CATEGORY ONE: LANDOWNER AND COMMUNITY APPLICATIONS

### Eligible Project Type

Applications must fall into one or more of the following types to be eligible for funding under Category One:

- T1 Fencing Projects - Fencing off and permanently protecting significant natural areas.
- T2 Weed/Pest Control Projects – Weed and pest management in and around Significant Natural Areas.
- T3 Enhancement Projects – Replanting and restoration of significant natural areas to enhance their ecological and habitat values.
- T4 Covenanted Projects – Providing a legal covenant that permanently protects a Significant Natural Area.

## Project Criteria

Category One projects must meet the criteria detailed in Table 1 below:

Table 1 - Funding Criteria for the different types of projects under Category One

Criteria	Project Type			
	T1	T2	T3	T4
The project must be for an area that is within the boundaries of Timaru District.	✓	✓	✓	✓
The project must be within or benefit an area which meets the Significant Natural Area Criteria listed in Appendix 3 of the Canterbury Regional Policy Statement.	✓	✓	✓	✓
The area must not be planted with any exotic vegetation once protected	✓	✓	✓	✓
Significant native vegetation and significant habitats of native fauna shall not be damaged, disturbed or destroyed	✓	✓	✓	✓
Livestock must be excluded from the area to be protected	✓			✓
It must have a protective covenant registered on the title of the land				✓

## Information Required for Application

The following information is required for any funding applications lodged under category one:

- Complete and signed application form;
- A description of the current problem/threats to the area (eg cattle grazing undergrowth of remnant forest, plant pests or animal pests like possums, goats, stoats etc which need controlling/eradicating);
- A description of how to ensure that the site is managed in a manner that protects and enhances the Significant Natural Area;
- A line drawing of the property on an A4 aerial photograph showing the project area and the proposed management measures. Note an aerial photo can be obtained free of charge from the GIS Unit or Planning Unit.

## Timing of Applications

Category One applications will be open for a month from the 1<sup>st</sup> of August each year. The application period will be advertised by public notice as well as sending letters to all Significant Natural Area land owners.

All applications will need to be received by the Planning Unit by the end of the application period.

## Project Costs

Grants are allocated based on estimated project costs, which are established based on quotations provided from service providers. Council will reimburse applicants upon receiving receipts for completed works.

The following costs are not eligible for funding:

- Costs incurred prior to the lodging of the application;
- Any costs involved in preparing the application;
- Equipment costs;
- Landowner's labour contribution; and
- Debt servicing.

## Grant Limitation

Grant limitations for Category one projects are shown in Table 2 below:

*Table 2 - Category One Grant Limitation*

Items	Grant Limitation
Annual Budget	\$30,000
Maximum grant per project	Up to \$10,000
Council verses Landowner Contribution	Council will generally fund up to 50% of the total project costs. Projects proposing greater than 50% Council contribution will be assessed on their merits.
Contractor's labour cost	Council will generally fund up to 50% of a contractors labour costs. Projects proposing greater than 50% Council contribution will be assessed on their merits.

GST will be paid in addition to the grant where:

- the project is part of the applicant's taxable activity; and
- Council is provided with a GST tax invoice.



## **Assessment of Applications**

As the number of projects and their total value may exceed the amount of money Council has available each year, funding will be prioritised by the following criteria:

- a. Landowner's contribution (labour or cash) towards to the project.
- b. The ecological significance of the site.
- c. The ecological values that will be protected by the project.
- d. The likely benefits/outcomes of the project.
- e. The urgency of the project.
- f. The sustainability of the project.

Application will be assessed by the Council's Planning Unit.

## **Delegation**

Funding decisions for Category One projects will be made by the District Planning Manager or Group Manager Environmental Services under delegated authority.

## **Conditions on Grant**

The following conditions shall apply to any grants made:

1. The applicant must notify the Planning Unit of the acceptance of the grant by signing the legal agreement supplied with the letter of offer and returning it.
2. Projects must be completed prior to a reimbursement request is lodged. The applicant must notify the council of the completed works and allowing Council access to the site to monitor the projects.
3. All costs associated with the project are first paid by the applicant. Original receipts should be forwarded to the Planning Unit for processing. The grant will only be paid in relation to the approved works, at the approved Council contribution rate, and capped at the maximum approved grant.
4. Any grant approval is personal to the applicant and cannot be reassigned without the written approval of the District Planning Manager or Group Manager Environmental Services.
5. Grants must be uplifted within the time specified in the approval. The Timaru District Council may consider an extension on request.
6. Grants are made subject to the Council being satisfied that the information given is true and correct and that there has been no omission of any relevant factor nor any misrepresentation made. Council retains the right to refuse payments to approved applicants in cases where it determines that it has been misled by the applicant or if the applicant has been placed in receivership, voluntary liquidation or declared bankrupt.
7. In all cases, the decision of the Timaru District Council shall be final and there will be no rights of appeal or review.

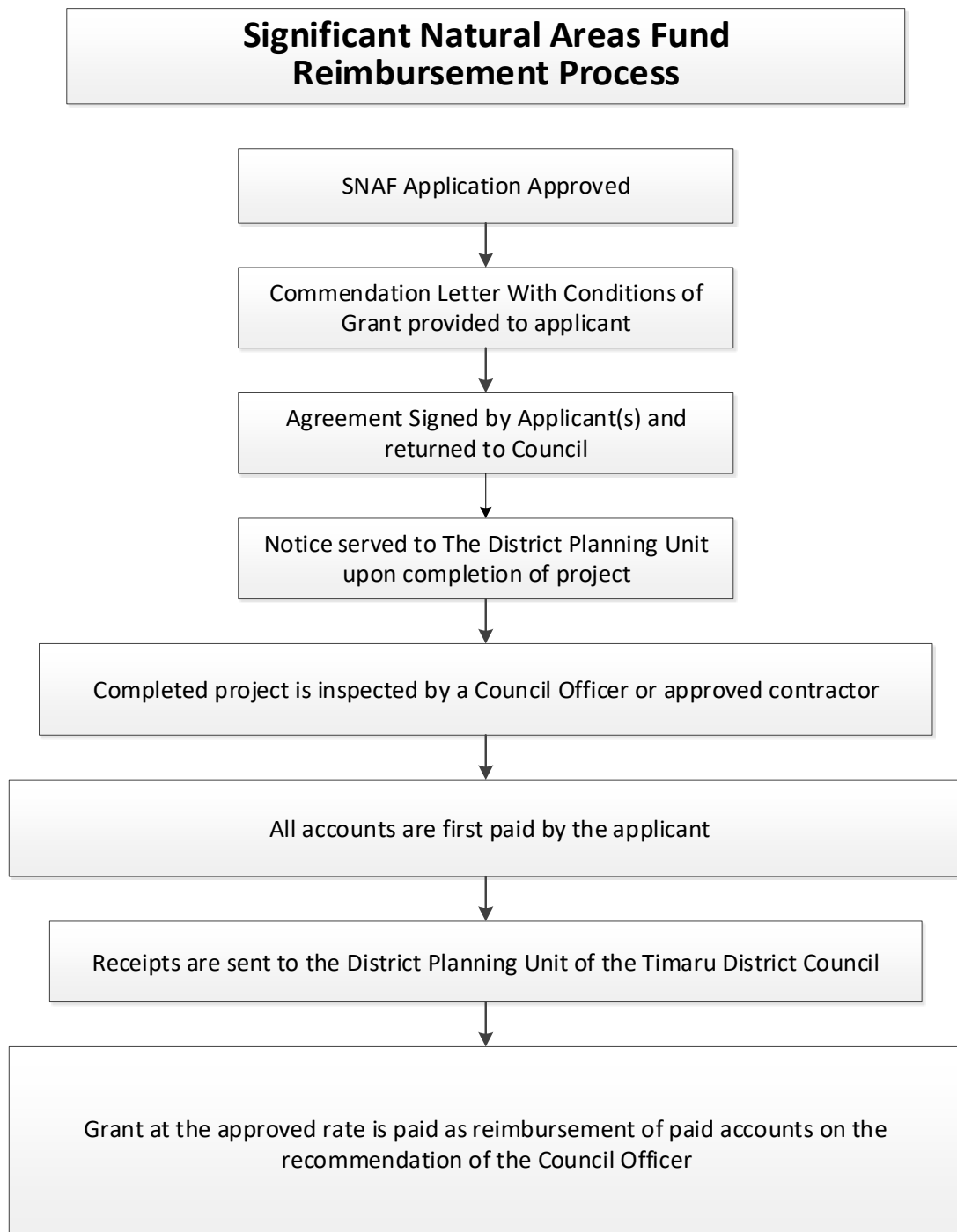
8. The Timaru District Council reserves the right to visit any project or use it for promotional purposes where grant assistance has been given. In all cases, the applicant will be notified of a visit.
9. The Timaru District Council reserves the right to suspend and to refuse further grant payments if in the opinion of the Council the grantee willfully or through neglect causes the project to fail. The decision of the Council shall be final and there shall be no rights of appeal or review and no right to compensation or damages of any nature.

Note: Additional conditions may be imposed at the discretion of the Timaru District Council.

## Reimbursement Process

The Reimbursements of an approved grant is outlined in Figure 1 below:

**Figure 1 - Reimbursement Process**



## **CATEGORY TWO: COUNCIL INITIATED PROJECTS**

### **Eligible Project Type**

Category Two projects must fall into one of the following types to be eligible for funding:

- T5 Work Projects – projects that carry out physical works to protect, manage and enhance indigenous biodiversity values in or around priority Significant Natural Areas.
- T6 Education and Support Projects – projects that aim to raise community and landowner's awareness of the significance and values of significant natural areas, as well as educating, supporting and encouraging landowners to protect and enhance Significant Natural Areas within their land.

### **Significant Natural Areas Projects**

Projects for Priority Significant Natural Areas will be identified annually by the Council's Biodiversity Steering Group based on six factors:

- a. Biodiversity values of the site
- b. Present threats to those biodiversity values
- c. Urgency of those threats
- d. Present opportunities for management and/or protection
- e. Previous investment at the site
- f. Strategic benefit

### **Grant Limitation**

Grant under Category Two are limited to \$70,000 plus any remaining funds not spent on Category One projects, less 5% of the total project values under the fund, which is reserved for monitoring projects under this fund.

### **Delegation**

The allocation of funds to Category Two will be recommended by the Biodiversity Steering Group. Decisions on the allocation of funds under Category Two will be made by the District Planning Manager or Group Manager Environmental Services under delegated authority.

## **Appendix 2 – SNA Fund – Fund Criteria and Application Guidelines (Existing)**



### **Significant Natural Areas Fund Fund Criteria & Application Guidelines**

## Significant Natural Areas Fund Criteria & Application Guidelines

***Please read the fund criteria and guidelines BEFORE filling in your application form.  
Reading these will save you time!***

***Please Note:*** These guidelines specify procedures and conditions that are legally binding for successful applicants.

### Aim of the Significant Natural Areas Fund

*“The Timaru District Council’s Significant Natural Areas Fund aims to assist and actively encourage landowners and members of the Timaru District community to manage, protect and enhance significant native vegetation and significant habitats of native fauna.”*

## Funding Categories

Applications must fall into one of the following categories to be eligible for funding:

1. Preservation - Significant natural area preservation includes fencing off and permanently protecting i.e. covenanting, areas of significant native vegetation and significant habitats of native fauna.
2. Management - Significant natural area management includes activities like plant and pest management in areas of significant native vegetation and significant habitats of native fauna.

Note:

- 1 The Significant Natural Areas Fund is a contestable fund and each application will be assessed on its merits on a case-by-case basis.
- 2 Funding is only available for projects taking place on land within the boundaries of the Timaru District Council.
- 3 Sites that meet the criteria for significant native vegetation and significant habitats of native fauna and that are subsequently listed as Significant Natural Areas.

### Preservation Projects

For a project to be eligible in this category it must meet all of the following criteria:

- a) It is for an area of significant native vegetation and significant habitats of native fauna;
- b) It shall not be planted with any exotic vegetation once protected;
- c) Significant native vegetation and significant habitats of native fauna shall not be damaged, disturbed or destroyed;
- d) Domestic stock must be excluded from the area to be protected;
- e) It must have a protective covenant registered on the title of the land (or be entered into as part of the funding application);
- f) It must meet the General Criteria listed in this document; and
- g) It must have a management plan.

Preservation is limited to those areas which require permanent retirement from forestry, farming or general land use activities.

The General Criteria may be changed in the future following the completion of the district wide survey.

### Management Projects

For a project to be eligible in this category it must have a significant natural area management plan.

The funding for significant natural areas in this category may go towards maintenance of the significant natural area.

## **General Criteria**

As contained in the Timaru District Plan.

Note: The General Criteria may be changed in the future following the completion of the district wide survey.

## **ASSESSMENT PROCEDURE - AREAS OF SIGNIFICANT NATIVE VEGETATION AND SIGNIFICANT HABITATS OF NATIVE FAUNA**

*In determining whether an area is significant in terms of section 6(c) of the Resource Management Act 1991 the Council will use the following criteria:*

### **Primary Criteria**

#### **A The ecological values of the area - the values of the place itself**

- (i) *Representativeness - Whether the area contains one of the best examples of an indigenous vegetation type, habitat or ecological process which is typical of its ecological district.*
- (ii) *Rarity - Whether the area supports or is important for the recovery of, an indigenous species, habitat or community of species which is rare or threatened within the ecological district or is threatened nationally.*
- (iii) *Diversity and Pattern - The degree of diversity exhibited by the area in:*
  - *vegetation*
  - *habitat types*
  - *ecotones*
  - *species*
  - *ecological processes*
- (iv) *Distinctiveness/Special ecological character - The type and range of unusual features of the area itself and the role of the area in relationship to other areas locally, regionally and nationally, including:*
  - *presence of indigenous species at their distribution limit*
  - *levels of endemism, (eg, the presence of endemic species)*
  - *supporting protected indigenous fauna for some part of their life cycle (eg breeding, feeding, moulting, roosting), whether on a regular or infrequent basis*
  - *playing a role in the life cycle of migratory indigenous fauna*
  - *containing one of the best examples of an intact sequence, or substantial part of an intact sequence of ecological features or gradients*
  - *supporting predominantly intact habitats with evidence of healthy natural ecosystem functioning*

### **Other Criteria**

#### **B The ecological context of the area including its relationship with its surroundings**

- (v) *Size and Shape - The degree to which the size and shape of an existing area is conducive to it being, or becoming ecologically self-sustaining.*



- (vi) *Connectivity* - The extent to which the area has ecological value due to its location and functioning in relation to its surroundings. An area may be ecologically significant because of its connections to a neighbouring area, or as part of a network of areas of fauna habitat. For example an area may act as a corridor or stepping stone for movement/migration of species between or to areas of important habitat.

### **C The future ecological value of the area**

- (vii) *Long Term Sustainability* - The degree to which an area is likely to maintain itself, taking into consideration.
- extent to which criteria in paragraphs A and B above are met
  - degree of historic modification to the area and its surroundings which affects its future
  - degree of resilience of species and habitats present
  - the effects of current management on identified ecological values
  - the extent to which the area has achievable potential, with management input, for restoration of ecological values which are significant in the ecological district

**Note:** the application of some ecological criteria such as representativeness, rarity and connectivity may not be able to be confirmed until a extensive number of properties have been surveyed in a particular locality and the overall pattern of remnant indigenous vegetation and habitats can be assessed.

### **Final consideration**

- D** Before deciding whether or not any identified area should be confirmed as being significant, Council will have regard to the following matters:
- (a) existing land use and the degree of modification associated with the site;
  - (b) economic effects on the landowner (eg, management costs, lost development potential);
  - (c) other options for ensuring the identified values and their needs are recognised and protected;
  - (d) presence and level of animal pests and weeds;
  - (e) resources required to implement effective protection;
  - (f) whether or not identified values are under threat;
  - (g) the extent to which values are or are not protected elsewhere;
  - (h) any other relevant factor.

### **Glossary of Terms**

**Endemic:** Refers to species of plants and animals, which are unique to an area, or animals, which may migrate but only to breed in the area.

**Ecological District:** One of the major levels used for the ecological classification of land. New Zealand has been divided up into 85 ecological regions and 269 ecological districts according to geological, topographical, climatic and biological features and processes. This reflects the small-scale variability of New Zealand's ecological patterns. An ecological district is a land where topographical, climatic, soils and biological features and broad cultural patterns produce a characteristic landscape of biological communities. An ecological region comprises adjacent ecological districts with closely related characteristics, or may only include one ecological district with very distinct features.

**Habitat:** The environment in which a particular species or group of species live. It includes the physical and biotic characteristics that are relevant to the species concerned. For example, the habitat of whio/blue duck consists of swift water with an abundance of freshwater insects.

**Ecotone:** A transitional zone between two habitats, which has distinct species or ecological characteristics of its own.

**Resilience:** The ability of a community or species to recover quickly (return to its original state) from perturbation, disturbance or displacement.

**Community:** The species that occur together in the same place at the same time.

**Population:** A group of individuals of one species in an area.

**Ecosystem:** A biological system comprising a community of living organisms and its associated non-living environment (such as sunlight, air, water, minerals and nutrients), interacting as an ecological unit.

**Rare:** Species with small world populations that are not at present endangered or vulnerable but are at risk of extinction. The species are usually localised within restricted geographical areas or habitats, or thinly scattered over a more extensive range.

**Endangered:** Species in danger of extinction and whose survival is unlikely if the factors causing their decline continue to operate.

**Vulnerable:** Species likely to move into the endangered category in the near future if the factors causing their decline continue to operate.

**Threatened species:** A species or community that is vulnerable or endangered.

**Biological diversity:** The variability among living organisms from all sources, this includes diversity within species, between species and ecosystems. Components include genetic diversity, species diversity and ecosystem diversity.

<b>Representativeness</b>	<ul style="list-style-type: none"> <li>Contains an ecosystem that is underrepresented or unique in the ecological district *</li> </ul>
<b>Rarity</b>	<ul style="list-style-type: none"> <li>contains threatened ecosystems *;</li> <li>contains threatened species *;</li> <li>contains species that are endemic to the ecological district *</li> </ul>
<b>Diversity</b>	<ul style="list-style-type: none"> <li>diversity of ecosystems, species, vegetation *</li> </ul>
<b>Distinctiveness</b>	<ul style="list-style-type: none"> <li>contains large/dense population of viable species *;</li> <li>largely in its natural state or restorable *;</li> <li>uninterrupted ecological sequence *;</li> <li>contains significant land forms *</li> </ul>
<b>Continuity &amp; Linkage within Landscape</b>	<ul style="list-style-type: none"> <li>provides, or has potential to provide, corridor/buffer zone to an existing area *</li> </ul>
<b>Cultural Values</b>	<ul style="list-style-type: none"> <li>traditionally important for Maori</li> <li>recreational values</li> <li>significant landscape value</li> <li>protection of soil values</li> <li>water catchment protection</li> <li>recreation or tourism importance</li> </ul>

	<ul style="list-style-type: none"> <li>• <i>aesthetic coherence</i></li> </ul>
<b>Ecological Restoration</b>	<ul style="list-style-type: none"> <li>• <i>ability to be restored *</i></li> <li>• <i>reasonable cost and time for restoration (eg up to \$5,000)</i></li> </ul>
<b>Landscape Integrity</b>	<ul style="list-style-type: none"> <li>• <i>significance to the original character of the landscape</i></li> <li>• <i>isolated feature, does it stand out or blend in</i></li> <li>• <i>does it have a role in landscape protection</i></li> </ul>
<b>Sustainability</b>	<ul style="list-style-type: none"> <li>• <i>size and shape of area</i></li> <li>• <i>activities occurring on the boundaries which may affect its sustainability</i></li> <li>• <i>adjoins another protected area</i></li> <li>• <i>links</i></li> <li>• <i>easily managed</i></li> </ul>

Note:

- 1 Sites listed as a Significant Natural Area may be inspected by the Timaru District Council prior to the consideration of an application.
- 2 The Timaru District Council will inspect sites not already listed as a Significant Natural Area so as to ensure that the project is eligible for funding.

### Significant Natural Area Management Plans

Significant Natural Area Management Plans are required for any Significant Natural Areas Fund application under the categories of Preservation or Management.

The landowner must comply with the significant natural area management plan once an application has been approved for funding.

A significant natural areas management plan:

- a) Is a document which sets out the approach to works and/or maintenance of the feature/site for future years;
- b) May have conditions (as is appropriate) that the landowner will be required to meet such as fencing, weed and pest control, keeping stock/domestic animals out of the area and restoration;
- c) Will help ensure that the site is managed in a manner that protects and enhances the significant natural area;
- d) Does not have to be complex and typically involves the following:
  - A line drawing of the property/farm on a A4 aerial photograph (photo can be obtained free of charge from the GIS Unit or Planning Unit) showing the area of concern and the proposed management measures;
  - A description of the current problem/threats to the area (eg cattle grazing undergrowth of remnant forest, plant pests or animal pests like possums, goats, stoats etc which need controlling/eradicating);
  - The proposed annual work/maintenance programme to be carried out over the next 3-5 years.

Information to assist you in preparing your management plan to the standard required by Council is available from the Timaru District Council's Planning Unit.

### Timing of Applications

In each financial year, there will be one round of funding under the Significant Natural Areas Fund. Each round will be allocated a portion of the total annual funding amount set aside. It is not essential that all funding be allocated for a particular funding round. Any funding not spent can be rolled over into the next funding round.

Applications will be considered by the Resource Planning and Regulation Committee. All applications will need to be received by the Planning Unit by the end of the advertised application period.

### Financial Details

**In the application form sufficient details are required to enable the proposed project to be fully costed.**

- If you are registered for GST please **do not** include GST in your costs.
- Please attach **quotes** and any other supporting documentation to your application.

The following costs are **not** eligible:

- Project costs incurred prior to the lodging of the application;
- Any costs involved in preparing the application; and
- Debt servicing.

The purchase of equipment is generally NOT eligible for funding unless it can be demonstrated that it is essential for the project (ie it cannot be leased, rented/hired etc) and is a reasonable cost. Each item of equipment will be evaluated on its relative merit to the project.

It is recognised that labour contributions (and associated tools and machinery) are an important component of many projects. However, this scheme is not a subsidised employment programme. Labour contributions are eligible as a project cost but should ideally not form more than a third of the total project cost.

### What level of grant assistance can I get?

The maximum total grant allocated under the scheme is **\$5,000** (excl GST). There is no minimum grant amount.

A maximum grant of **\$500** (excl GST) applies to administration costs (includes photocopying, mailouts/postage etc) and the reimbursement of resource consent fees.

**All grants are allocated on the basis of a cost sharing arrangement. The maximum grant rate for all projects is a cost sharing of 50:50, ie the Council will only fund up to half of the project cost. The applicant must make a contribution to the costs.**

**Example:** Project cost \$2,000 at 50% (excl GST):

Significant Natural Areas Fund Grant	- \$1,000
Individual share	- \$1,000

The applicant's share of the cost can be by way of in-kind contributions (eg labour), or cash.

**GST** will be paid in addition to the grant where:

- the applicant is GST registered;
- the project is part of the applicant's taxable activity; and
- the GST number is supplied on the application form.

### **How can the District Planning staff assist me?**

Applicants are encouraged to complete the application form themselves. Anyone experiencing difficulty in filling in the form should contact the Planning Unit for assistance. (Note: Staff assistance does not imply success or preferential treatment in the approval process).

The Council will also assist the applicant with their applications by making freely available to them all information about the natural values of the site recorded by the Council when inspecting the Significant Natural Area.

Inspections of projects allocated funding will be undertaken by Planning Unit staff.

### **How will the Council select successful applications?**

As the number of projects and their total value may exceed the amount of grant money made available by Council each year, funding will be prioritised.

### **Significant Natural Areas Funding will be prioritised by the following criteria:**

- 1 The significance of the site.
- 2 The natural values that will be protected by the project.
- 3 The likely benefits/outcomes of the project.
- 4 The urgency of the project.
- 5 The sustainability of the project.

Note:

- 1 Funding will only be allocated for projects taking place on land within the boundaries of the Timaru District Council.
- 2 Only sites listed as Significant Natural Areas in the District Plan are eligible for funding.
- 3 Discussion and consultation will be undertaken with other agencies such as the Department of Conservation, Environment Canterbury and the Queen Elizabeth II National Trust, as is appropriate.

### **How will applications be processed?**

Applications shall be forwarded to the Planning Unit. All applications will be acknowledged within 10 working days of receipt.

Applications will be checked by staff to ensure they have been completed correctly and sufficient detail has been provided. Where applications are considered incomplete or deficient, they will be returned to the applicant for further information or clarification.

Where an application is referred back to the applicant for further clarification or information, the applicant will be given a set period to respond.

At the close of the application period, applications will be sorted into two categories:

- 1 Applications that will be given to the Resource Planning and Regulation Committee for full consideration; and
- 2 Applications that are considered to fall outside the criteria and/or contain insufficient information.

Meetings of the Resource Planning and Regulation Committee are advertised and any member of the public is welcome to attend.

The applicant will be notified in writing within 10 working days of the Resource Planning and Regulation Committee making a decision on their application.

Where an application is approved, the applicant will be sent a letter of approval specifying the grant and conditions and requesting acceptance of the offer by entering into a formal agreement.

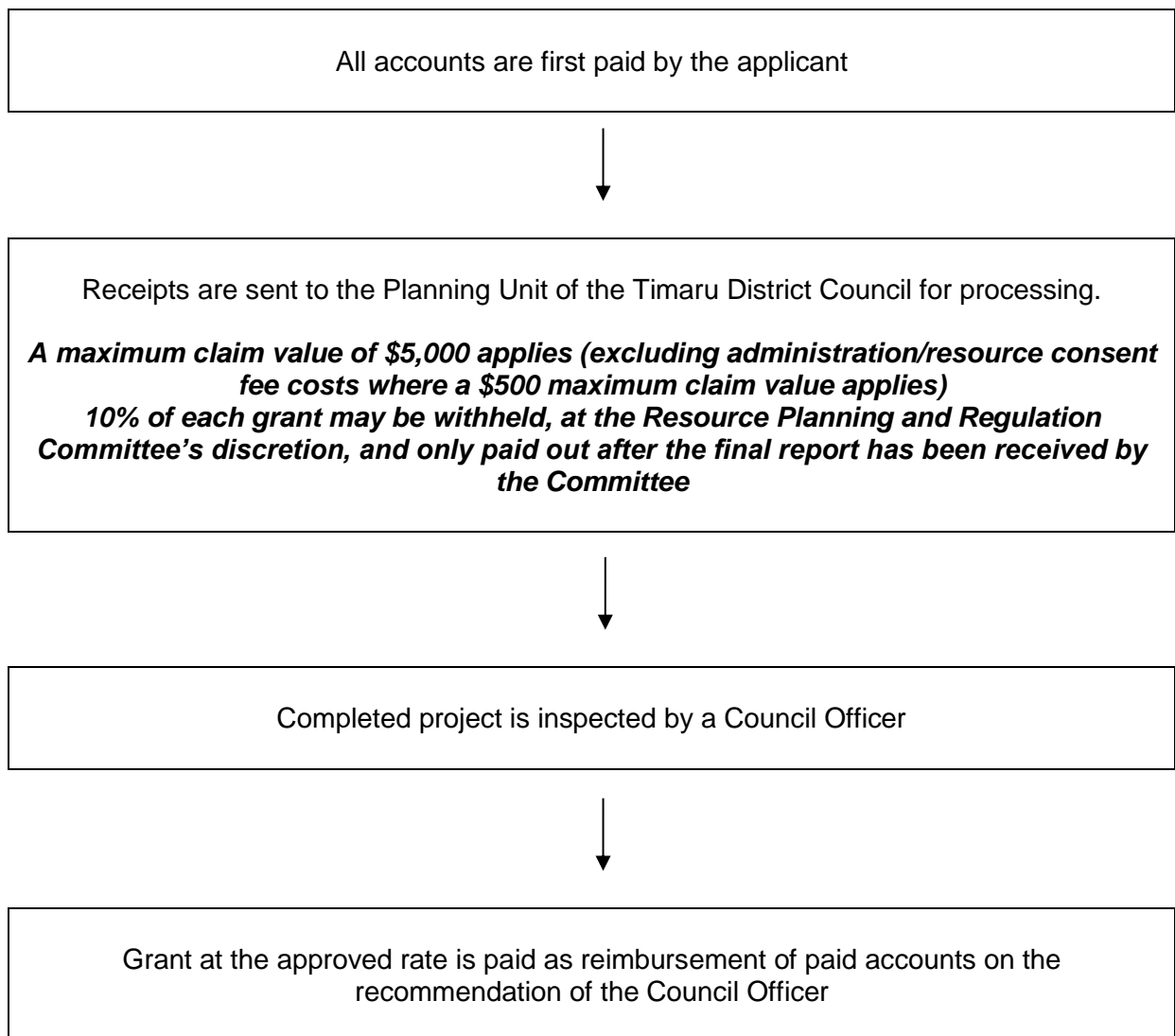
The following conditions apply to any grants made:

10. The applicant must notify the Planning Unit of the acceptance of the grant by signing the legal agreement supplied with the letter of offer and returning it.
11. Any expenditure on a project prior to the application being lodged will not be accepted for funding.
12. All costs associated with the project are first paid by the applicant. Receipts should be forwarded to the Planning Unit for processing. The grant will only be paid for approved costs on the basis of original invoices matched to original receipts.
13. The applicant must notify the Planning Unit once the project has been completed, and at this time a final report on the project must be prepared by the applicant and forwarded to the Planning Unit. The final report shall be presented to the Resource Planning and Regulation Committee. Ten percent of each eligible claim may be withheld and only paid out after the final report is received.
14. Any grant approval is personal to the applicant and cannot be reassigned without the written approval of the Resource Planning and Regulation Committee.
15. Grants must be uplifted within the time specified in the approval. The Resource Planning and Regulation Committee may consider an extension on request.
16. Grants are made subject to the Resource Planning and Regulation Committee being satisfied that the information given is true and correct and that there has been no omission of any relevant fact or any misrepresentation given. The Resource Planning and Regulation Committee retains the right to refuse payments to approved applicants in cases where it determines that it has been misled by the applicant or if the applicant has been placed in receivership, voluntary liquidation or declared bankrupt.
17. In all cases, the decision of the Resource Planning and Regulation Committee shall be final and there will be no rights of appeal or review.

18. The Timaru District Council reserves the right to visit any project or use it for promotional purposes where grant assistance has been given. In all cases the applicant will be notified of a visit.
19. The Timaru District Council reserves the right to suspend and to refuse further grant payments if in the opinion of the Resource Planning and Regulation Committee the guarantee wilfully or through neglect causes the project to fail. The decision of the Council shall be final and there shall be no rights of appeal or review and no right to compensation or damages of any nature.

Note: Additional conditions maybe imposed at the discretion of the Timaru District Council.

### Once I have an approved grant, how do I claim it?





### **Can I change the contract?**

Once the cost of a project and the grant rate has been approved by the Resource Planning and Regulation Committee that amount may not be increased or any new categories of expenditure be introduced.

### **Progress reporting and notification of project completion**

All successful applicants will be required to report back to the Resource Planning and Regulation Committee on a regular basis detailing their progress in completing the project, particularly the completion of significant milestones.

Successful applicants must notify the Planning Unit once their project has been completed. At this time a final report on the project must be prepared by the applicant and forwarded to the Planning Unit. The final report will be presented to the Resource Planning and Regulation Committee.

### **Council staff who can help**

#### **Planning Unit**

##### **Duty Planner:**

Phone: (03) 687 7271

##### **District Planner - Peter Kloosterman**

Phone: (03) 687 7283

Email: [peter.kloosterman@timdc.govt.nz](mailto:peter.kloosterman@timdc.govt.nz)