



The Presbyterian Church Property Trustees



New Year - New Building Regulations

Amongst a raft of new legislation, the Health and Safety at Work (Asbestos) Regulations 2016 are of particular importance for Church Councils / Boards of Managers.

Church Councils / Boards of Managers must ensure that they follow the requirements of the legislation in dealing with asbestos in Church-owned properties used by congregations, staff and community groups or those leased to commercial or community users. This also includes manses, sheds, garages, any buildings used for storage and any residential properties rented out by congregations.

Schedule 2 of the 1885 Presbyterian Church Property Act, the Book of Order and the Church Management Support Guide, all place the responsibility for the use and maintenance of parish property on church councils and their property committees.

The regulations are far-reaching and place a responsibility on all property owners and persons in charge of a work place to identify asbestos in any form within their properties and places of work, and to have a written asbestos management plan in place which sets out where any identified asbestos or asbestos-containing material is located and how it will be managed. Parish councils are deemed to be "persons in charge of a work place".

It was common for *Hardieflex* and other asbestos-containing fibre boards to be used in buildings until 2000. In particular, these products were used as an outer exterior cladding or to cover up the gap between the floor foundation structure and the wall cladding. Other common use of asbestos material has been in roofing (Super Six type sheets), fence panels, garage cladding and in guttering and downpipes.

More difficult to identify is the interior fit out use of asbestos and asbestos-containing material. Possible usage includes vinyl tiles, interior claddings, loose fill insulation, ceiling tiles, textured ceilings, partition walls and wet area linings and around heaters and ovens as an inflammable insulation barrier. Asbestos may also be present in electrical systems and hot water systems.

The key to any asbestos management plan will be the listing/ location of the material identified, identification of the risk and methods of control.

- a. Where asbestos-containing material is in good condition, well sealed and protected from abrasion, then it should present no danger to occupiers or users.
- b. Where cladding is cracked and the broken edge of the crack line exposed, then this is a potential hazard and it needs to be sealed.
- c. Abrading or machining asbestos material is dangerous as it will release friable fibre particles into the atmosphere that could be inhaled. Sanding, in preparation for painting, is a major risk.
- d. Rules must be established around sealing broken material and prohibiting any abrading or machining of existing asbestos-containing material.
- e. Where work is necessary to repair, remove or break asbestos-containing material, then this must be done by specialist contractors.
- f. Specialist contractors will have to notify Worksafe of their work plan and ensure they comply with the Worksafe Code of Practice. This will include isolating and sealing the work site, sealing any exposed asbestos containing material, disposing of the removed material, cleaning the site and testing to ensure no hazardous particulate matter remains on site.

The key Regulations include the following and can be found at

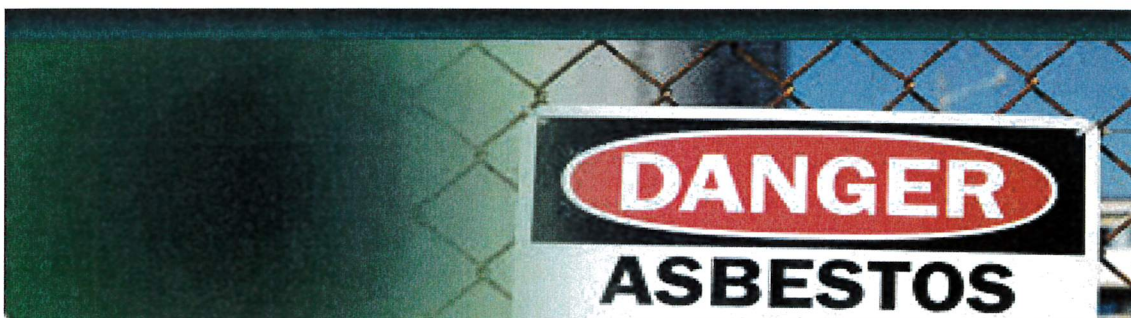
http://www.legislation.govt.nz/regulation/public/2016/0015/latest/DLM6729211.html?search=sw_096be8ed81485a3f_survey_25_se&p=1

- Regulation 10 Duty to ensure asbestos is identified at workplace;
- Regulation 11 Duty to analyse samples;
- Regulation 12 Duty to ensure presence and location of asbestos indicated.

Work Safe New Zealand has a wide range of information on its website at <https://worksafe.govt.nz/topic-and-industry/asbestos/>

The following three pages also offer a guideline for determining when an asbestos management plan could be required.

The Trustees strongly encourage Parishes and Presbyteries to familiarise themselves with the Asbestos Regulations and to take all necessary steps to ensure their properties are in a compliant condition and safe for all users.



November 2017

Do you need an Asbestos Management Plan?

The Health and Safety at Work (Asbestos) Regulations 2016 place a duty on businesses to have asbestos management plans in place for their buildings and workplaces where asbestos is likely to be found.

How do we know if there's asbestos in our workplace?

The first step is identifying any asbestos, and there are a few ways you could choose to do this:

- you could make your best guess following the WorkSafe Approved Code of Practice Guidance
- you could choose to train your staff to identify asbestos (more on that later)
- you can employ a surveyor to assess your building and produce your plan
- you could assume that your building or workplace contains asbestos, and write your plan accordingly.

Note: If your building was built prior to 1 January 2000 it is more likely to contain asbestos containing material

What is an asbestos management plan?

An asbestos management plan sets out where any identified asbestos or asbestos containing material is and how it will be managed.

An asbestos management plan must include information about:

- where your identified asbestos is located – in what wall, window etc
- how you plan to manage the asbestos risks if any exist (eg remove it, encapsulate it with a false wall or paint, leave it alone as it is in good condition, etc)



- what procedures you will follow for when work is to be undertaken that may disturb the asbestos or asbestos containing material
- how you will record incidents or emergencies involving asbestos
- a timetable for managing asbestos exposure risks (eg priorities and dates for removal, reviews, circumstances and activities that could affect the timing of action) – which should be reviewed in six months, or after an incident or emergency
- procedures, including a timetable for reviewing and (if necessary) revising the asbestos management plan and asbestos documentation (note at a minimum this MUST be every five years).

Written plan

All asbestos management plans must be in writing. They can be in hard copy or electronic form, as long as the legally required information outlined above is included.

What if we share a building?

If you share a building you still have some duties but they depend on the ability of each party to influence and control the matter – the major duty rests with the building owner.

What if we assume asbestos?

If you assume that your entire building contains asbestos, you will need to include much more stringent management actions in your plan. It will also depend on the state of the asbestos. If you have walls that are in a poor state, then your course of action will be different than if the building is in good condition.

It could be that your plan states that you will employ the services of a surveyor prior to starting any works and management actions will be defined in greater detail at that time.

You could also choose to revisit/update your plans when/if you get your staff trained and become better equipped to identify asbestos.

Do I need a surveyor to do this?

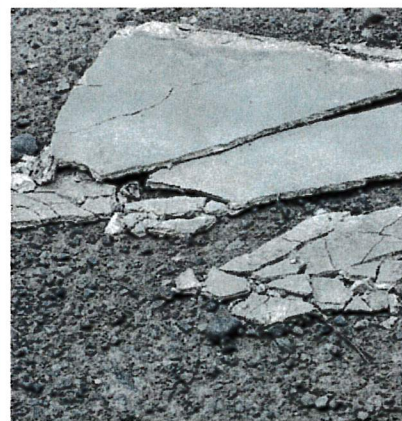
No, you can create your own asbestos management plans as long as you follow our guidance – the Approved Code of Practice: <http://construction.worksafe.govt.nz/guides/acop-management-and-removal-of-asbestos/#09-asbestos-management-plans>

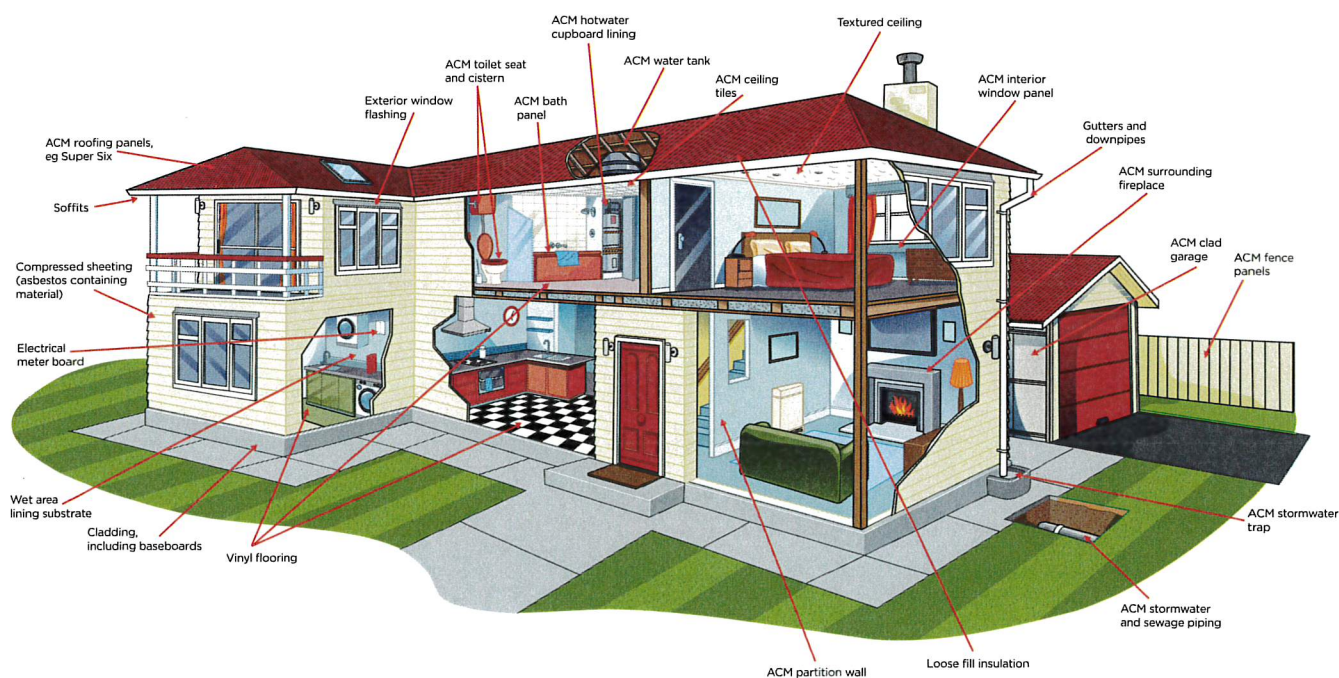
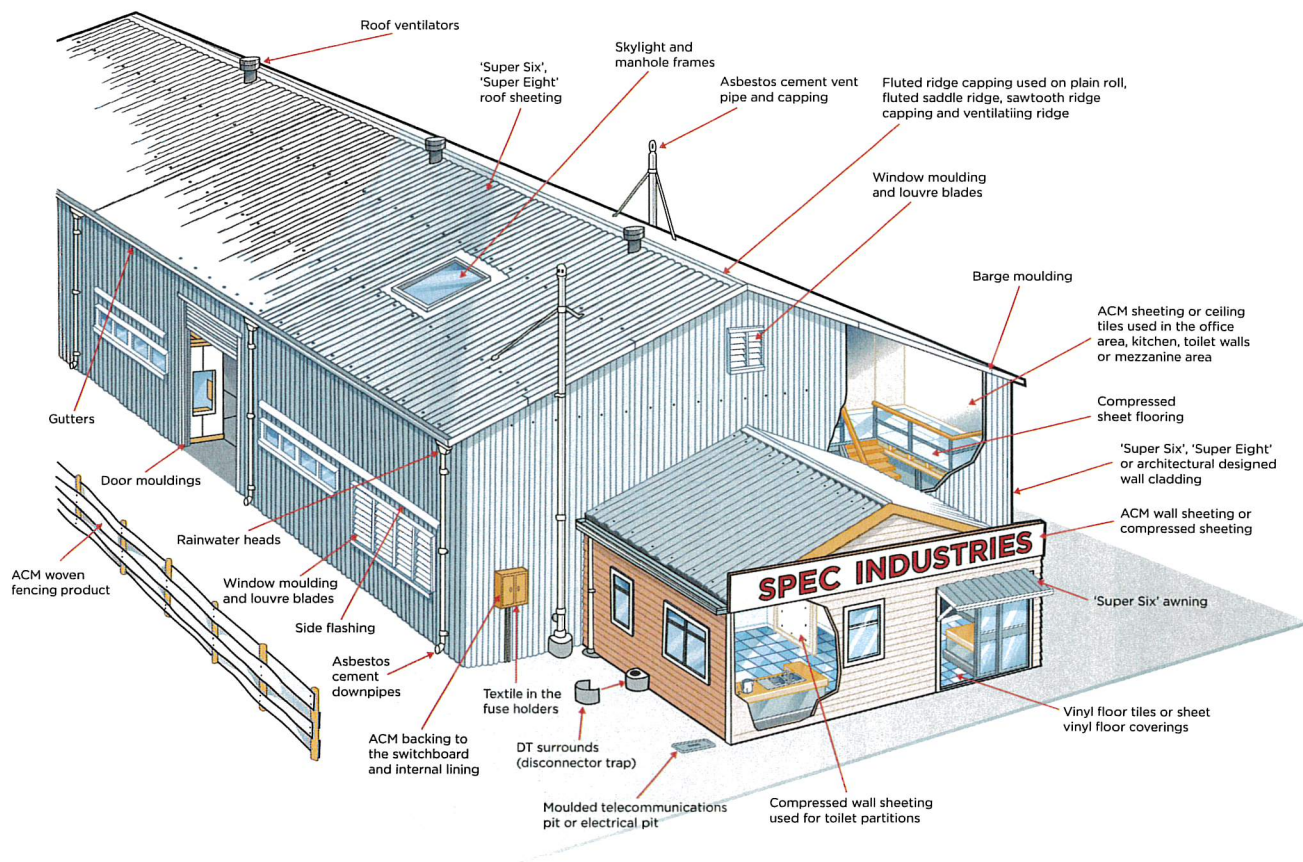
You may wish to seek a surveyor to test for asbestos if you deem it necessary. The main exception is when you are doing major work that will require a refurbishment and demolition plan: <http://construction.worksafe.govt.nz/guides/acop-management-and-removal-of-asbestos/#section-22-demolition-and-refurbishment-work>

Training your staff to identify asbestos

You might wish to send some of your staff on an asbestos awareness training course, which will help them make better educated guesses as to where asbestos is within your workplaces and what state it is in. The benefit of this approach is that your asbestos management plan will be more targeted in relation to the types and locations of any asbestos.

These courses are widely provided across New Zealand and take around four hours to complete.





CPT's Big Pot of Money - if only.....



People sometimes get the strangest ideas. One we hear quite frequently is that the Church Property Trustees are sitting on a great pot of money that could assist church building projects or be otherwise used by the wider Church.

The reality is that the Trustees are just that - they hold money "on trust" for others. The Trustees hold the Beneficiary Fund for ministers - both active and retired. They hold the PIF deposits entrusted by Congregations and Presbyteries and bequests (including two working farms) that can only be used in accordance with the wills in which the bequests were made.

All property where the Trustees are named as the registered owner on the title, is held "in trust" for the respective parish as part of the wider Church. The Trustees can do only what is allowed by the Presbyterian Church Property Act 1885 and by the Book of Order. All trust money held by the Trustees is separately accounted for and audited. They have no legal right to use any of it themselves or to transfer money from one trust to another.

The only money the Trustees control for their own use is a relatively small "float" built up from various fees levied. This funds the running of the CPT office and the salaries of our staff.

A freely available big pot of money – if only!



A look at the work of.....

The Trustees' Communications Committee

The Communications Committee considers matters arising out of the Church Property Trustees' work that affect Presbyteries and congregations, then communicates these in a variety of ways. In particular, this Committee is responsible for:

- Publishing information relevant to the work of CPT in ways that Presbyteries, Parish Councils, congregations and other interested parties in the Church can readily access, such as these newsletters and the CPT pages of the PCANZ website.
- Maintaining the online Property Handbook, which provides guidance to parishes on a wide range of property matters such buying & selling property, building alterations and new building projects, leasing, borrowing and the use of capital funds - to mention just a few.
- Publishing CPT policies such as the Earthquake Prone Buildings Policy and associated information that affects parishes.
- Publishing information for parishes about legislation that impacts their responsibilities with regard to their properties e.g. the Building Act, Health & Safety at Work Act and the new Asbestos management regulations referred to in this newsletter.
- Publishing an annual newsletter to parishes and other Church bodies with funds held in the Presbyterian Investment Fund.
- Publishing the financial statements for the PIF and the Trustees' own operating accounts.
- Publicising the ministers' holiday homes at Glen Innis to encourage ministers to take advantage of the year round opportunity of a week's free holiday.

The Trustees are keen to enhance their communication with the Church family in any way possible and would like to hear from parishes with any suggestions for topics to be included in future CPT newsletters.

Send your ideas to trustees@presbyterian.org.nz and we'll do our best to accommodate them



Property Application Fees

Property application processing fees have remained unchanged since 2012. However, the current fees rarely reflect the time required by the CPT office to collate an application, obtain any additional information required, prepare a briefing for the Trustees and deal with the multitude of issues that arise with contracts and other documentation required to see a proposal through to its conclusion - even for a straightforward sale or renovation project. Property proposals have also become increasingly complex, particularly the large building projects that are upwards of a million dollars in value.

It should be noted that the Trustees own no property in their own right and receive no funding from the national Church. Their only source of income is from fees charged for the administration of the various trusts under their control and from property application fees. The Trustees themselves are volunteers, but the CPT office running costs and salaries for its three staff, Kos, Pat & Marion, must be covered by this income.

The Trustees have therefore taken the decision to increase property application fees for the first time in 5 years. From 1st September 2017 the new fees were set as follows:

Proposals valued under \$20,000	\$172.50 (\$150.00 + GST) no change
Proposals valued from \$20,000 to \$1million	\$575.00 (\$500.00 + GST)
Proposals valued at over \$1million	\$862.50 (\$750.00 + GST)

The Trustees also reserve the right to charge an additional fee of \$500 + GST for complex proposals that require their ongoing involvement during the course of the project. This might occur where a parish has applied for and been given approval to sell or buy a property and it might take two, three or more proposals to finally achieve a sale or purchase. At each step the CPT office is involved with reviewing valuations, contracts and various other reports as well as liaising with both the parish and the Trustees' solicitors to ensure all documentation is up to standard.



CONSTRUCTION CONTRACT

Made this _____ (1) _____ day of _____
by and between _____
(5) _____, herein referred to as "own
of _____ (7) _____ herein refer