

Report **03.622**
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Committee **Policy, Finance and Strategy**
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Submission of Greater Wellington – The Regional Council on the Building Bill

1. Purpose

For the committee to consider a proposed submission to the Local Government & Administration Select Committee on the Building Bill.

2. Background

The Building Bill (“the Bill”) provides for the repeal of the Building Act 1991 and for the introduction of a new regulatory framework for building work.

Once it is enacted, the Bill will reinstate much of the existing building regime. However, there are some significant changes to the existing regime which will affect Council. These include:

- classifying dams
- issuing compliance schedules for dams
- enforcing provisions of the building code and regulations made under the Bill that relate to dams
- adopting a policy on dangerous dams

In addition, Council will have a continued responsibility for issuing consents and compliance certificates in the coastal marine area and is likely to face increased costs as a building owner.

The Local Government & Administration Select Committee has called for submissions on the Bill by 31 October 2003.

3. Comment

3.1 Local Government New Zealand (“LGNZ”) Submission

LGNZ has prepared a comprehensive draft submission, which it has asked local authorities – including Greater Wellington - to comment on. The draft submission acknowledges that the Building Act 1991 has failed to deliver buildings which have performed as intended. *LGNZ* is generally supportive of the proposed new framework and the role to be played by local government.

However, the *LGNZ* submission lists 13 matters that require further work. These cover:

- purpose statement;
- cost of implementation;
- need to resource the implementation of the Bill;
- role of private building control authorities;
- difficulty that will be experienced by local authorities in achieving accreditation in the three years provided within the Bill;
- requirement for territorial authorities to carry out building work on default;
- matters of importance to local government that have not been addressed in the Bill;
- liability issues;
- effect of imposing warnings and/or bans on products and methods;
- requirement for private Building Consent Authorities to provide information to territorial authorities;
- matters relating to building consent conditions;
- problems associated with the exit of private Building Consent Authorities from the market.

A copy of the *LGNZ* submission including comments on the above points should be available on the day of the meeting.

3.2 Greater Wellington submission

While the Council staff have commented on *LGNZ*'s draft submission, especially as it relates to dams, they recommend that the Council also makes its own submission on dams and the following additional items:

- the definition of “territorial authority”;
- Council’s liability when performing functions described in the Bill;
- Council’s ability to recover all of the costs of carrying out its responsibilities.

A copy of the draft submission is included as attachment 1.

4. Communication

Copies of Council's submission will be forwarded to the Local Government & Administration Select Committee on or before 31 October 2003.

5. Recommendation

That the Policy, Finance and Strategy Committee:

(1) receive the report

(2) recommend to Council that it endorse the submission (included as attachment 1 to this report)

Report prepared by:

Report approved by:

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Wayne Hastie
Council Secretary

Attachment 1: Submission to the Local Government & Administration Select Committee