

10. BUILDING AMENDMENT BILL 2007



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PURPOSE OF REPORT

1. The purpose of this report is to advise the Council of the proposed Building Amendment Bill 2007 and recommend a submission to the Social Services Select Committee.

EXECUTIVE SUMMARY

2. The Amendment Bill contains some minor adjustments to improve the workability of the Building Act 2004. The most significant change from the Council perspective is to amend the exemption from building consent requirements to revert to the requirements that were in the previous Building Act 1991.
3. It is submitted that the Council should support the Amendment Bill.

FINANCIAL IMPLICATIONS

4. The proposed amendments should have no financial effect on the Council.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

5. As above.

LEGAL CONSIDERATIONS

6. Not applicable.

Have you considered the legal implications of the issue under consideration?

7. The effect of the proposed amendments should be minor.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. Will assist with achieving the Regulatory objectives on Page 145 of LTCCP.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

9. Will assist with Councils objective of administering and enforcing Statutory Regulations for Building.

ALIGNMENT WITH STRATEGIES

10. Not applicable.

Do the recommendations align with the Council's strategies?

11. Not applicable.

CONSULTATION FULFILMENT

12. Not applicable.

STAFF RECOMMENDATION

Staff are not recommending any additional submissions and it is recommended that the Council forward a submission supporting the Amendment Bill.

BACKGROUND ON BUILDING AMENDMENT BILL 2007

13. The Bill contains some minor adjustments to improve the workability of the Building Act 2004. The purpose of the Amendment is to:
- Alter the basis on which accreditation fees may be collected, so that the approval and appointment of a product certification accreditation body can proceed in 2007 as planned;
 - Clarify the approach to exemptions from building consent requirements (for example, reverting to the regime of the Building Act 1991 regarding culverts, small dams, and certain pylons, plumbing and drainage work), and in particular to require a building consent for weather tightness remediation work;
 - Adjust the future dam safety scheme to align it to a greater extent with international and New Zealand risk continuum paradigms, for example, by adding new categories for earthquake prone and flood-prone dams; and by adding an incentive for dam owners to become accredited (an exemption from annual compliance certificate requirements);
 - Clarify that small dams should be regulated by regional authorities as dams, not regulated by territorial authorities as buildings; and reintroduce the small dams exemption from building consent requirements (removing compliance costs for owners of small dams);
 - Fine-tune some elements of the scheme to license building practitioners, for example, set out the purpose of the scheme in a purpose clause; clarify that certification is an information provision requirement only (and therefore avoid the creation of any potential tort liability for licensed building practitioners); and introduce a new term, significant building project, to facilitate a whole-of-building concept as well as the element based concept in the term restricted building work;
 - Require territorial authorities to include on project information memoranda (PIMs) for public use buildings a statement flagging that there are accessibility requirements in the Act and the Building Code, to assist on improving compliance with accessibility requirements at the building design stage;
 - Make a number of minor or technical amendments to the Building Act 2004 to correct errors, omissions, and inconsistencies.
14. Comment on the purposes listed above:
- It is important that a Product Certification Body be approved and appointed to enable the regime set out in the Building Act 2004 to be implemented.
 - The range of exemptions from building consent requirements was expanded in the 2004 Act and the amendment will revert to the 1991 Act requirements and repairs to components relating to the structural behaviour or fire safety properties of the building or components which have failed to meet the durability requirements will again require a building consent.
 - The amendments relating to dams and dam safety will clarify that dams are regulated by Regional Authorities. The amendments to fine-tune the licensed building practitioners regime will provide clarity.
 - The amendments to require a statement in Project Information Memorandum (PIM) will be able to be accommodated within existing processes.
 - The minor and technical changes relate to issues such as changing wording. An example is changing the word licence to licensing. Some incorrect clause references within clauses are also corrected.