

Chairperson and Committee Members
REGULATORY MANAGEMENT COMMITTEE

9 JUNE 2016

Meeting Status: **Public**

Purpose of Report: For Information

**SUBMISSION ON BUILDING CONSENT AUTHORITY
ACCREDITATION MAY 2016**

PURPOSE OF REPORT

- 1 This report outlines the Kāpiti Coast District Council officers' submission made in relation to the Ministry of Business Innovation and Employment's key stakeholder consultation regarding the Building Consent Authority accreditation scheme.

DELEGATION

- 2 The Regulatory Management Committee has the delegated authority to consider this paper.
"7.37 Authority to review and approve any Kāpiti Coast District Council submission on any issue that is being made on behalf of Council, where such review and approval is requested by officers."

BACKGROUND

- 3 The Ministry of Business Innovation and Employment (MBIE) is currently reviewing the Building Consent Authority (BCA) accreditation scheme to consider whether:
 - 3.1 The aims of the scheme have been achieved
 - 3.2 There are opportunities to further improve regulatory building control
 - 3.3 The fee structure for accreditation is fair and reasonable
- 4 There have been four rounds of accreditation assessments between 2007/08 and 2012/14 and MBIE is using this opportunity to seek feedback from key stakeholders such as Kāpiti Coast District Council in looking at the future direction of the scheme.

ISSUES AND OPTIONS

Issues

- 5 MBIE has asked for feedback on the following issues in association with the BCA accreditation scheme
 - 5.1 The proposed purpose statement and objectives for the accreditation scheme
 - 5.2 The definitions of non-compliance with the accreditation requirements, ensuring a consistent approach in all accreditation assessments and who

at a Council is notified of the result and the standard timeframes to resolve the issues.

- 5.3 The types of accreditation assessments and their frequency.
- 5.4 The proposal to make the National Building Consent Authority Competency Assessment System compulsory and to formalise in regulation the appropriate technical qualifications for Building Officers.
- 5.5 Feedback on how the fees may be charged for the accreditation assessments.

The proposed purpose statement and objectives for the accreditation scheme

- 6 Council Officers agreed that the proposed purpose statement and objectives for the accreditation scheme were appropriate and gave clear guidance to BCAs on these matters.
- 7 The proposed purpose statement is that

The purpose of the Building Control Authority accreditation scheme is to set out the minimum policies, procedures and systems that a Building Consent Authority must have, and consistently and effectively implement, to perform its building control functions.

The definitions of non-compliance with the accreditation requirements and ensuring a consistent approach in all accreditation assessments.

- 8 There have been concerns expressed to MBIE regarding inconsistent application of non-compliance between accreditation assessments of different BCAs. While this not a concern that this Council has raised, Council Officers do agree that a consistent approach is preferable and documenting what may be considered non-compliance is useful to ensure a common understanding.
- 9 The proposal also asked whether the areas of non-compliance should be reported to MBIE, the BCA's Chief Executive and the BCA's authorised representative. Council Officers agreed that notifying these parties was a good idea.
- 10 The proposal suggested that the accreditation body be advised of an action plan to address non-compliance in 14 working days, address serious non-compliance within 40 working days and address general non-compliance within 60 working days. While Council Officers did agree with these timeframes, they did note that this may be challenging if there were a significant number of issues to resolve.

The types of accreditation assessments and their frequency.

- 11 The proposal suggested a range of assessment types and frequencies depending on the on-going performance of a BCA. It detailed the significant issues that should be raised with the accreditation body between assessments such as "the formal transfer of functions under section 233 or 244 of the Building Act 2004 to another BCA". While Council Officers did generally agree with the proposal, they did note that determining which type and frequency of assessment was appropriate could be challenging. The proposal also supports the principles of the GOSHIFT project and allows the assessment of Councils that work together collectively.

The proposal to make the National Building Consent Authority Competency Assessment System compulsory and to formalise in regulation the appropriate technical qualifications for Building Officers.

- 12 Kāpiti Coast District Council has already adopted the National Building Consent Authority Competency Assessment System as part of Kāpiti Coast District Council's BCA Quality System as it is good practice.
- 13 Currently BCAs such as at this Council can define individually the qualifications that they believe meet the needs of the work that is present in the District. This has generally at Kāpiti included trade qualifications. MBIE is proposing to formalise the qualifications that are required for Building Officers and their list is primarily at the Diploma or Bachelor degree level.
- 14 While Council Officers agree that this would be a good practice, they do query whether this is necessary for the work generally found in this district and the on-going challenge to recruit staff that already have these qualifications. Currently only two staff have the qualifications and six staff are currently working towards the qualifications on the MBIE list.

Feedback on how the fees may be charged for the accreditation assessments.

- 15 Currently the fees charged for the accreditation scheme are not consistent with central governments own fee principles and does little to incentivise high performance in BCAs. A new fee is proposed which is based on the service received which Council Officers support and agree will be an incentive to provide good documentation to support the accreditation review process.

CONSIDERATIONS

Policy considerations

- 16 There are no policy considerations with respect to this report.

Legal considerations

- 17 There are no legal considerations with respect to this report.

Financial considerations

- 18 The funding for the proposed changes to regulations will be within current budgets.

Tāngata whenua considerations

- 19 There are no Tāngata whenua considerations with respect to these reports.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 20 This matter has a low level of significance under Council policy.

Publicity

21 There are no publicity issues with respect to this report.

RECOMMENDATIONS

22 That the Regulatory Management Committee notes and endorses the Kāpiti Coast District Council staff submission made in relation to the Ministry of Business Innovation and Employment's key stakeholder consultation regarding the Building Consent Authority accreditation scheme.

Report prepared by	Approved for submission	Approved for submission
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