

**REGULATORY MANAGEMENT COMMITTEE
REGULATORY LEGISLATION UPDATE
FOR 12 MARCH 2015**

Legislative Item	Comment	Update on Progress (Latest entry in Bold)
<p>Building Amendment Act 2012</p>	<p>This Act is part of a package of changes which introduce a range of new consents with corresponding time frames based on risk. The details of this framework are to be set by Order in Council and be supported by regulation.</p> <p>The types of consents include the following:</p> <ul style="list-style-type: none"> • Low risk building consent - to be granted within 5 working days and is not required to inspect before issuing Consent Completion Certificate (CCC). • Simple residential consent - to be granted within 5 working days and is only required to undertake the prescribed inspections before issuing CCC. • Standard building consent- similar regime as currently undertaken with building consents. • Commercial building consents - to be granted within 20 working days- information provided regarding risk profile of application and quality assurance system that will apply to building work. Inspections are likely to audit the quality system that is being used for work rather than work itself. 	<p>Enacted March 2012</p> <p>Minor and/or technical changes as a result of this amendment came into force immediately on 12 March 2012.</p> <p>However, the commencement date for the remaining more significant changes will not come into force until a date appointed by the Governor-General by Order in Council. At this stage we are still awaiting that Order in Council.</p> <p>As at 6 March 2015:</p> <p>We understand that central government are likely to consult regarding some of the risk based</p>
<p>Building Amendment Act 2013</p>	<p>This Act is part of a package of change which introduces new measures to improve the building and construction sector. The changes will ensure that the Act delivers good quality, affordable homes and buildings and contributes to a prosperous economy.</p> <p>Amendments with effect from 28 November 2013 include:</p> <ul style="list-style-type: none"> • the type of work that does not require a building consent has changed • higher penalties for doing building work without the appropriate consents now apply • a number of terms and definitions have been changed • Councils have increased authority to restrict entry to buildings 	<p>Enacted November 2013.</p> <p>Most clauses (see next column) came into effect on 28 November 2013. The commencement date for the remaining clauses will be set by Order in Council.</p> <p>There has been no substantial progress for this legislation. Implementation of the dam safety scheme was recently deferred for a year, until 1 July 2015. The new consumer protection measures will come into force by Order in Council, although there is no indication when such an Order</p>

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	<p>that may be near to buildings that are dangerous. This will require Council's dangerous building policy to be reviewed and consulted on within a reasonable period</p> <ul style="list-style-type: none"> • MBIE has more power to hold building consent authorities to account, and • the way dams are defined and measured has changed. <p>Other changes to take effect in mid-2014 include: changes to the dam safety scheme and new consumer protection measures.</p> <p>Most of these changes relate to Territorial Authority Building functions or consumer protection. However if required, appropriate changes will be made to the Kapiti Coast District Council Building Control Authority Quality Assurance Manual.</p>	<p>may be made.</p> <p>As at 6 March 2015:</p> <p>Changes to consumer protection measures came in to effect on 1 January 2015.</p>
<p>Building (Earthquake-prone buildings) Amendment Bill 2013</p>	<p>The key components of this Bill are:</p> <p>To require territorial authorities to undertake seismic capacity assessment of all non-residential and multi-storey/multi-unit residential buildings (as currently defined in section 122 of Building Act) in their districts within five years from commencement, using a methodology specified and published by the Ministry of Business Innovation and Employment (MBIE).</p> <ul style="list-style-type: none"> • Territorial authorities to prioritise for assessment according to a framework to be specified and published by MBIE. • Territorial authorities to provide the results of the assessments to the relevant building owner. • Owners will be able to provide an engineering assessment as specified by MBIE if they disagree with the territorial authorities' assessment. • There will be a National Register on earthquake prone buildings held by MBIE that will be able to be searched by public. • There will also be the ability for owners to seek exemptions from these requirements from the territorial authorities and special provisions for heritage buildings. 	<p>The Bill received its First Reading on 5 March 2014 and was referred to the Local Government and Environment Select Committee. Submissions closed on 17 April 2014. The select committee was due to report on the Bill to Parliament on, or before, 5 September 2014.</p> <p>Recent comments from government ministers have mentioned changes to the Bill to modify the timeframes and types of buildings that may be impacted.</p> <p>As at 6 March 2015:</p> <p>The Local Government and Environment Select Committee report is due on 30 March 2015.</p> <p>There are likely to be significant changes to this bill as a result of the select committee process.</p>

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Weathertight Homes Resolution Services Amendment Bill	<p>This bill was introduced into Parliament on 23 February 2015 and deals with the following matters</p> <ul style="list-style-type: none"> Assists claimants in similar circumstances as the Osborne's receive the benefits of the Supreme Court decision (this was regarding timing of work) Deals with uncertainty of claimants when legislation timeframe expires <p>Clarifies standing of regulations that have been recently gazetted</p>	<p>As at 6 March 2015:</p> <p>This bill is not likely to have any significant impact on the claims received by this Council.</p>
Food Act 2014	<p>The Food Act 2014 introduces some fundamental changes to NZ's domestic food regulatory regime. The Act has come about through research conducted since 2003 as part of the Domestic Food Review – only the second review of the domestic food sector in over 30 years. Through a risk-based approach, it seeks to:</p> <ul style="list-style-type: none"> clarify the role of regulators, remove the need for local bylaws, by having a single set of rules for training, registration and other food safety aspects, and improve compliance and enforcement. <p>Where appropriate these new requirements will be reflected (once we have the detail of the associated regulations) in the Environmental Health quality assurance system.</p>	<p>The Food Bill received Royal Assent on 6 June 2014. The Food Act 2014 will come fully into force on 1 March 2016 unless brought into force earlier through an Order in Council.</p> <p>A report providing an overview of the Food Act 2014 was provided to the 2 October 2014 Regulatory Committee meeting.</p> <p>As at 6 March 2015:</p> <p>A report on the progress with the associated Food Regulations is tabled for information on today's meeting agenda.</p>
Fencing of Swimming Pools Act 1987	<p>The Government is changing the Fencing of Swimming Pools Act 1987 (the Act) to strike a better balance between protecting young children from drowning in home pools and making the Act more workable for pool owners and local councils. The changes take into account 392 submissions received from safety groups, the pool industry, local councils, pool owners and others during public consultation.</p> <p>The current Act provides little guidance on how councils approach inspections and exemptions and as a result there is no national uniformity. The Ministry of Business, Innovation and Employment (MBIE) website states that councils will benefit from reduced costs and uncertainty by:</p> <ul style="list-style-type: none"> clearer requirements for restricting access to pools, 	<p>The Government intends to introduce a Bill into Parliament to amend the Fencing of Swimming Pools Act 1987.</p> <p>The timing of the changes will depend on the Government's legislative priorities and the parliamentary process. The parliamentary process will include the Bill being referred to a select committee – normally for six months.</p> <p>In the meantime, councils and pool owners must comply with the current Act.</p>

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	<ul style="list-style-type: none"> • enforcement tools designed to encourage voluntary compliance, with councils having the power to issue warning notices and ultimately infringement notices, • councils being required to inspect swimming pools at least every five years, <p>and</p> <ul style="list-style-type: none"> • clarification that councils are not required to locate and inspect spa pools and portable pools – but may inspect properties they believe contain non-compliant spa pools and portable pools. <p>Other changes to note include:</p> <ul style="list-style-type: none"> • clearer requirements for restricting access to swimming pools, • child-resistant spa pools will no longer require an additional means of restricting access, • retailers will be required to inform people who purchase spa pools and portable pools of their obligations, • portable pools will be exempt if they are shallower than 300mm – a depth of pool that is generally practical to empty after each use, • garden ponds and other water hazards will be exempt if they are not intended for swimming, and • powers are created for councils to issue infringement notices and \$500 fee for persons not complying with a notice to remedy a breach of the Act. <p>Where appropriate these new requirements will be reflected in (1) KPI's and (2) the yet to be developed Compliance Monitoring quality assurance system.</p>	<p>As at 6 March 2015:</p> <p>There has been no further indication post the general election, from central government as to when this proposal is likely to regain momentum.</p>
<p>Resource Management Act 1991 (Phase 2 amendments)</p>	<p>During the last term of Government proposed amendments to the RMA were announced. Some of those amendments were enacted and the remainder (Phase Two amendments) are understood to be proposed to be enacted during the current term. The following taken from the Ministry for the Environment website gives some context to the proposals.</p>	<p>As at 6 March 2015:</p> <p>The programme for the roll out of the Phase II amendments is not yet available.</p>

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	<p><i>These proposals would make further improvements to the RMA and resource management more broadly, including how fresh water is managed and used. Main elements of the proposals include:</i></p> <ul style="list-style-type: none"> • <i>clearer national direction and tools</i> • <i>single, local resource management plans that address future environmental and development priorities and cover all local, regional and national issues; replacing the range of planning documents we have today</i> • <i>simpler, faster and fewer resource consents</i> • <i>Māori interests and values to be considered earlier in resource management planning processes with solutions developed upfront</i> • <i>comprehensive management of natural hazards in planning and consenting</i> • <i>housing affordability addressed through explicit attention being paid to this issue in plans and changes to consenting arrangements to drive down their cost and improve their timeliness.</i> 	
<p>Resource Management Amendment Act, 2013 (Phase 1)</p>	<p>The purpose of the reforms outlined in the Resource Management Amendment Act 2013 was to help create a resource management regime that enabled growth and provided strong environmental and planning outcomes in a timely and cost-effective way.</p> <p>The reforms were divided into four parts, with the parts coming into force during the last 18 months. The final part came into force on 3 March 2015.</p>	<p>As at 6 March 2015</p> <p>Key amendments to the Resource Management Act (RMA) came into effect on 3 March 2015. There are a wide range of largely procedural amendments and the notes below only summarise those thought to be of interest to elected members. Staff are happy to provide more detail on request.</p> <p>a. Timeframes have been introduced for limited notified applications (100 working days) and notified applications (130 working days). Of note is that this will require that hearings take place within a specified period from the closing date for submissions.</p>

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		<p>b. There is now mandatory pre-circulation of evidence before hearings including submitter's expert evidence.</p> <p>c. Applications must now include an assessment against Part 2 of the RMA and national/regional environmental standards and policy statements.</p> <p>d. The time to return an incomplete application has been extended from 5 to 10 days.</p> <p>e. Any request for further information in respect of notified applications can only stop the clock for the first request.</p> <p>f. Applicants can place notified and limited notified applications on hold for up to 6 months.</p> <p>Staff are working on updating templates, forms and brochures to accommodate these amendments.</p>