

Summary of Information – Greater Wellington Regional Council’s Proposed Transfer of Functions, Duties and Powers under the Building Act 2004

1. Purpose

The purpose of this document is to inform the public and to seek comments regarding Greater Wellington Regional Council's (Greater Wellington) proposal to transfer functions, duties, and powers under Part 2 of the Building Act 2004 (excluding Subpart 7 – Safety of Dams) to another Regional Authority; along with any other functions, duties and powers under the Act that are necessary to allow the transferee Regional Authority to perform the functions of a Building Consent Authority (BCA) in relation to dams in the Wellington region.

2. Summary of the Proposal

2.1 Background

The Building Act 2004 (the Act) came in to force on 30 November 2004, with most of the substantive provisions of the Act taking effect from 31 March 2005. The Act provides that all building work must comply with the building code (contained in the First Schedule of the Building Regulations 1992) and provides generally for the building consent process, the inspection and certification of building work, and building practitioner licensing.

As a regional council, Greater Wellington is a 'Regional Authority' as defined in the Act.

The Act makes Regional Authorities responsible for performing the functions of a BCA in relation to buildings that are dams. The Act defines a dam as an artificial barrier that retains 3 or more metres depth and holds more than 20,000 or more cubic metres of water or other fluid.

BCA functions include:

- processing of applications for building consents;
- granting building consents;
- inspecting of building work during construction; and
- issuing of code compliance certificates on the completion of building work.

In order to perform the functions of a BCA, Greater Wellington must obtain registration as a BCA, unless it transfers its relevant functions, duties, and powers to another Regional Authority.

To obtain registration as a BCA, Greater Wellington must be accredited against prescribed standards and criteria set out in the Building (Accreditation of Building Consent Authorities) Regulations 2006. Accreditation will be assessed on areas such as documentation of procedures, guidance information for applicants, record keeping, competency of employees or contractors undertaking the work, training plans etc.

2.2 Summary of Proposal

Greater Wellington is considering transferring its functions, duties, and powers under Part 2 of the Building Act 2004 (excluding Subpart 7 - Safety of Dams) to another Regional Authority, along with any other functions, duties and powers that are necessary to allow the transferee Regional Authority to act as a BCA for dams in the Wellington region.

The reasons for considering the transfer of these functions are:

- It is considered desirable on the grounds of efficiency
- desirable for practical reasons, as Greater Wellington does not have the technical or special capability to carry out the functions, duties, and powers of a BCA in relation to dams.

Greater Wellington has been working collaboratively with the other Regional Councils to determine the most efficient way to best meet its obligations under the Act. The preferred option is collaborative model where three Regional Councils to take a lead role and become accredited and registered BCAs. The remaining Regional Councils would transfer their functions, duties and powers to the lead council(s). Environment Waikato, Environment Canterbury, and the Otago Regional Council have indicated they will, in principle, accept transfers from other Regional Councils.

Greater Wellington is therefore considering transferring its functions, duties, and powers as outlined above.

3. Availability of Statement of Proposal

This Summary of Information contains the major matters discussed in the associated Statement of Proposal. A full copy of the Statement of Proposal is available from Greater Wellington's Offices in Wellington and Masterton, or from our website www.gw.govt.nz.

4. Submission process

Comments and submissions on the proposed transfer are invited to be received by Greater Wellington by **5pm, 6 August 2007**. Submissions can be posted to PO Box 11-646, faxed

to 04 385 6960 or dropped in to Greater Wellington offices at 142 Wakefield Street, Wellington or 34 Chapel Street, Masterton.

Submitters should indicate in their submission if they wish to be heard in person to support their submission. Submissions should include your name and contact details. Your submission may become publicly available if a request for it is made under the Local Government Official Information and Meetings Act 1987. If you are making a submission as an individual, Greater Wellington will consider removing your personal details if you so request in your submission.

If required, a hearing regarding the proposed transfer will be held on 28 August 2007.