

Statement of Proposal

Transfer of Powers under the Building Act 2004

2024

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Overview

Council is calling for submissions on a proposal to transfer some of its powers to Auckland Council under the Building Act 2004 (BA) in relation to the approval of Independently Qualified Persons (IQP). IQPs are those parties accepted by Council as being qualified to carry out responsibilities in relation to building warrants of fitness (BWoF).

The proposed transfer only relates to the approval of IQPs, the maintenance of the register of IQPs and the setting of fees for such approval and on-going registration. The responsibilities of ensuring that buildings have current BWoFs, and their auditing will remain with Whangarei District Council.

It is considered that there are several positive outcomes to be gained through the transfer, including cost savings, greater opportunities for Northland based IQPs to work within the Auckland region, a better experience for IQPs and building owners through the modern Auckland web-based system, whilst reducing potential risk through a robust assessment of IQPs. It is acknowledged that some parties may see such a transfer as a loss of local autonomy. A joint regional approach such as the Waikato (see below) example was considered but would not give any advantages (efficiencies or technical) that can't be gained through the simpler transfer as proposed.

Section 233 of the BA provides for a TA to transfer its functions, duties, or powers to another TA subject to the use of the special consultative procedure in section 83 of the Local Government Act 2002.

We are calling for submissions on this proposal.

Consultation on the policy will open on April the 2nd 2024 and end on April the 30th 2024.

Anyone who is interested can find all the information about it on our website, or they can call or come in to see us, however actual submissions shall be in writing.

What is the Transfer of Powers?

The Building Act 2004 (BA), require Territorial Authorities (TA) to accept IQPs as being *qualified to carry out or supervise all or some of the inspection, maintenance, and reporting procedures required for a specified system stated in a compliance schedule and to certify that those procedures have been fully complied with*. In simple terms the IQPs certify the safety systems (known as specified systems) for commercial buildings through the annual Building Warrant of Fitness regime. As such it is critical that parties undertaking such responsibilities are qualified to do so to ensure that certifications are accurate and therefore reduces risk to building users.

Why is the Transfer of Powers being Considered?

At present WDC maintain the register of IQPs for all three of Northland's district councils. This arrangement has been in place for approximately 20 years and means that IQPs who are on the register can undertake work throughout Northland rather than having to be accepted by three different Councils.

There is an increasing trend throughout the country for TAs to work together in relation to the registering of IQPs. For example, the South Island operates under one register administered by Timaru District Council and there is a joint group that administers the register for Hamilton

CC, Hauraki DC, Matamata Piako DC, Otorohanga DC, Thames Coromandel DC, Waikato DC, Waipa DC & Waitomo DC.

There are two main reasons why the transfer of power is being considered, being efficiencies and technical capability. These considerations are outlined in the procedures for transfer under the Local Government Act 2002. The technical capability is important as robust assessment of IQPs will result in reduced risk going forward.

Efficiencies Assessment

At present WDC look after the maintenance of the register and it is a very manual process with letters being emailed to and from IQPs. Whilst this approach does work it is not an efficient use of resources and falls short of a modern website-based portal approach (as per Auckland). Currently the register includes approximately 160 IQPs so the staff time involved in the maintenance of the register is not insignificant. Income from the fees associated with the register is approximately \$27k per annum (WDC). It should be noted that should the transfer not take place there will be additional costs in implementing a modern web portal-based system to meet customer expectations in the near future. Estimates of the costs of such a system are around the \$50,000 (although these costs are indicative only).

The transfer of the register and the approval process to Auckland would allow IQPs to practice under one registration for all the Auckland and Northland regions. Whilst allowing Northland based IQPs to operate in Auckland, Northland building owners will also have a larger pool of IQPs potentially available to undertake work within the Northland region.

Costs of joining the Auckland register do need to be considered. Those IQPs who are currently are on both registers will have a cost saving of \$182 per annum (being WDC's current renewal fee). Those who require acceptance through the Auckland process will be charged \$400 for the initial application which includes 3 years of registration. The renewal process at Auckland is \$250 for a three-year period. So overall IQPs will be paying less as 3 years' worth of renewals under our current fees schedule will cost \$546 compared to Auckland's \$250. IQPs will be required to go through the Auckland on-line assessment process so will need to demonstrate their suitability to be accepted. This will be a positive check to reduce risk to the public.

A summary table of efficiencies is produced below:

	Advantages	Disadvantages
Transfer to Auckland	Cost savings for IQPs; Ability for IQPs to work from Pukekohe to North Cape; Better web-based process for register;	There are not any as we current do not maintain a register.
Build and maintain our own IQP register.	Northland based IQPs & building owners will deal with local Council	Investment will be needed to build a fit for purpose web-based system

Technical Capabilities

Due to the number of IQPs within the Auckland area and the number of buildings subject to the BWoF process, Auckland Council has developed a system for the registration of IQPs including a panel of experts who meet fortnightly to consider new applications. This is a more robust approach than is currently undertaken within Northland. This will help limit risk going forward as it is considered that there is less chance of inappropriate people being accepted as IQPs which will lessen the potential for BWoFs to be issued erroneously.

This is a significant advantage with transferring the power to Auckland Council. Should the transfer not occur it is likely that current processes for assessing suitability would require review and allocation of additional resources.

A summary table of technical capabilities is produced below:

	Advantages	Disadvantages
Transfer to Auckland	The transfer will allow Northland Councils to piggyback off the established Auckland regime therefore reducing risk from poor assessments.	FNDC responsible for decisions made by Auckland.
Maintain Status Quo		The current assessment regime is considered inferior to Auckland's.

Summary

There are two options under consideration, either build and maintain an IQP register or transfer the power to Auckland. There are a range of factors in favour of the transfer of powers including a more technological advanced system for IQPs and building owners through the Auckland Council website, additional opportunities for working outside Northland, a reduction in compliance costs and a potential reduction in risk from an improved assessment regime. Should the transfer not occur it is likely that our current processes will require review and likely amendment which will create additional costs.

Having Your Say

We are seeking community feedback in accordance with the Local Government Act 2002 (Section 83) Special Consultative Procedure.

As part of this procedure, we provide you with the opportunity to present your views to Council on the proposed transfer of powers.

Key dates for providing your views are:

Submissions on the proposed transfer open on 2nd April 2024

Information is available on the website at www.fndc.govt.nz.

Submissions close at 5pm 30 April 2024

Proposed dates and location for hearing submissions by Council will be advised following receipt of submissions.

Making a Submission

Any person or organisation can make a submission on the Proposed Transfer of Powers under the Building Act 2004.

Submissions can be made, either electronically online, by email or on paper.

Submissions should:

- What your views are and the reasons for them

- Whether you wish to be heard in support of your submission.

All submissions must be received by 5 pm on 30 April 2024.

You can get all information on the consultation at <https://www.fndc.govt.nz/Whats-new/Have-your-say/Transfer-of-Independent-Qualified-Person-Register> and email your submission to: submissions@fndc.govt.nz, or

Post your submission to:
Proposed Transfer of Powers under the Building Act 2004
Far North District Council
Private Bag 752
Kaikohe, 0440

Submissions can also be hand delivered to any Far North District Council Office or Service Centre listed below.

Kaikohe, 5 Memorial Ave, Kaikohe 0405.

Kaitaia, Corner of State Highway 1 and Mathews Avenue, Kaitaia 0410.

Kaeo, Leigh Street, Kaeo 0478.

Kerikeri, 60 Kerikeri Road, Kerikeri 0230.

Paihia, 69 Marsden Road, Paihia 0200.

Hokianga, 29 Hokianga Harbour Drive, Opononi 0473.

Rawene, 11 Parnell Street, Rawene 0473.

Kawakawa, 56 Gillies Street, Kawakawa 0210.

Being heard

Any person who makes a submission will have the opportunity to be heard by Council; but must make that request in their written submission. No anonymous submissions will be accepted.

The Council is legally required to make all written or electronic submissions available to the public and to Councilors, including the name and address of the submitter. The submissions, including all contact details provided, will be available to the public.

Information will be available to the public subject to the provisions of the Local Government Official Information and Meetings Act 1987.

Submitters who have asked to be heard will be advised of the hearing dates available.

Where can I get information?

Copies of this Statement of Proposal can be viewed on Far North District Councils website.

Alternatively, copies of the Statement of Proposal can be viewed at Far North District Council Offices at:
Kaikohe, 5 Memorial Ave, Kaikohe 0405.

Kaitaia, Corner of State Highway 1 and Mathews Avenue, Kaitaia 0410.

Kaeo, Leigh Street, Kaeo 0478.

Kerikeri, 60 Kerikeri Road, Kerikeri 0230.

Paihia, 69 Marsden Road, Paihia 0200.

Hokianga, 29 Hokianga Harbour Drive, Opononi 0473.

Rawene, 11 Parnell Street, Rawene 0473.

Kawakawa, 56 Gillies Street, Kawakawa 0210.

Alternatively, call Far North District Council free phone on 0800 920 029 or 09 405 0379.
or email: submissions@fndc.govt.nz