

Activity 9.3: Building Policy

Accountable Manager: Peter Sparrow

What services are provided?

- 🚀 Building accreditation review
- 🚀 Building Policy development
- 🚀 Claim Management - planning related
- 🚀 Claim Management - building related
- 🚀 Weathertight claims resolution

Why do we provide these services?

To input into the development and implementation of building policy nationally and ensure that Council's building policies align with the requirements of the Building Act.

To ensure Council building operations align with the requirements of the Building Act and the BCA Accreditation regulations.

To resolve building and planning claims in accordance with Council's legal and insurance obligations and in the future to limit, protect and reduce Council's exposure, liability and contribution.

To resolve weathertight claims in accordance with the Weathertight Homes Resolution Services Act and meeting our legal obligations. This includes using the Financial Assistance Package (FAP) scheme to assist this resolution.

What outcomes are we trying to achieve?	How do the services contribute to desired outcomes?
<ul style="list-style-type: none"> 🚀 Christchurch has good quality housing Injuries and risks to public health are minimised Statutory obligations are met by the Council 	<p><i>By maintaining building accreditation, developing building policy and processing building and planning related claims, including weathertight, Council contributes to a good quality built environment in the city, which in turn reduces health and economic risk to the public.</i></p> <p><i>These processes are carried out within relevant statutory and contractual requirements.</i></p>

Which group or section of the community will benefit from this activity?:

Building and property owners, builders, developers, planning consultants, architects, surveyors, housing companies, plumbers and drainlayers, signwriters, hire companies, real estate, engineers, lawyers, property purchasers and walk in customers.
The community as a whole.

Key legislation:

To meet the requirements of:

- Building Act 2004 & Building Consent Authority Regulations 2007
- Weathertight Homes Resolution Act 2006
- Resource Management Act 1991
- Local Government Official Information and Meetings Act 1987
- Local Government Act 2002

Customer

What business results must we deliver to our customers, to deliver on the outcomes?

Performance Standards for LTP

Performance Standards for LTP	Current performance	Benchmarks	Recommended LOS	Rationale	Council Direction
Building accreditation review					
9.3.1 Achieve Building Consent Authority status	Not accredited Accreditation revoked 8 th July 2013	Ministry of Business, Innovation and Employment (MBIE)/IANZ approve. 'Building Consent Authority' status is the benchmark	Achieve 'Building Consent Authority' status	Statutory requirement to comply with Council BCA Accreditation Regulations 2007.	
Building Policy development					
9.3.4 CCC building policy meets Building Act requirements	At all times	Policy to meet requirements of Building Act	CCC building policy meets Building Act requirements at all times		
9.3.5 Maintain a public register of earthquake-prone buildings in Christchurch.	Initiated	To be determined by the Ministry of Business, Innovation and Employment	<i>To be determined when legislation is enacted.</i> <i>Interim LOS is the:</i> Updating of the proposed Earthquake Prone Building Register whenever the Council becomes aware of a change of a building's earthquake-prone status.	The Minister of Building and Construction announced that legislative change will be introduced in 2013 to change the way earthquake-prone buildings are managed in New Zealand.	
9.3.6 CCC provides input into the development of new or amendment of national building legislation, standards and Codes.	Submissions on Building Act amendments, Canterbury Royal Commission's recommendations and development of implementation strategies	Submissions are prepared, considered and ratified by the Council to meet timeframes requested by the Government	9.3.6.1 Agree programme of policy review including timeframes with the appropriate Committee/Council annually by 31 st May. 9.3.6.2 Deliver 100% of the agreed programme	The Canterbury Earthquakes Royal Commission's recommendations are to be incorporated into legislation and guidance material. They will include a system for managing earthquake-prone buildings and access and facilities for people with disabilities.	

Customer

What business results must we deliver to our customers, to deliver on the outcomes?

Performance Standards for LTP

Performance Standards for LTP	Current performance	Benchmarks	Recommended LOS	Rationale	Council Direction
Claim Management - building related					
9.3.2 Notify relevant building related claims to insurer	33% within 10 working days for 2013/2014 YTD	Broker/insurer policy requirement	Notify 100% of building-related claims to brokers within 10 working days	This relates only to claims that are covered under the relevant insurer's policy wording and is generally an administrative function.	
9.3.7 Manage the processing of general negligence (building related) claims under the appropriate forum	New	Council complies with District Court, High Court and Dispute Tribunal rules, including meeting acceptable standards of evidence, timeframes, and representation.	<p style="text-align: center;">9.3.7.1</p> Processing the general negligence (building related) claims to agreed timeframes to settle or remove Council as a party.	Resolution of general negligence (building related) claims falling outside WHRS Act 2006 and not involving any weathertight defects.	
			<p style="text-align: center;">9.3.7.2</p> Settlement contributions are agreed in accordance with Financial Delegation Authority prior to attending negotiations.	This may include claims of negligence under the RMA, LGOIMA, LGA, etc.	
				Council has approved a financial delegation authority which may need to be revised.	
9.3.8 Review the causes of settled claims and put steps in place to limit future events	New	None available	<p style="text-align: center;">9.3.8.1</p> Identify and report, with appropriate recommendations, on the contributing factors in claims that have settled in this Fund Year.	Recommend operational policies to manage claims for historical building practices no longer in use.	
			<p style="text-align: center;">9.3.8.2</p> Ensure that the outcomes of annual reviews lead to updating of policies, where and if required, to reduce the number of new general negligence (building related) claims.	The policies identify operational measures, including additional training, reviews of competency and supervision to prevent future claims	

Customer

What business results must we deliver to our customers, to deliver on the outcomes?

Performance Standards for LTP

Performance Standards for LTP	Current performance	Benchmarks	Recommended LOS	Rationale	Council Direction
Claim Management - planning related					
9.3.11 Notify relevant planning related claims to insurer	33% within 10 working days for 2013/2014 YTD	Broker/insurer policy requirement	Notify 100% of planning-related claims to brokers within 10 working days	This relates only to claims that are covered under the relevant insurer's policy wording and is generally an administrative function.	
9.3.12 Manage the processing of general negligence (planning related) claims under the appropriate forum	New	Council complies with District Court, High Court and Dispute Tribunal rules, including meeting acceptable standards of evidence, timeframes, and representation.	<p>9.3.12.1 Processing the general negligence (planning related) claims to agreed timeframes to settle or remove Council as a party.</p> <p>9.3.12.2 Settlement contributions are agreed in accordance with Financial Delegation Authority prior to attending negotiations.</p>	<p>Resolution of general negligence (planning related) claims falling outside WHRS Act 2006 and not involving any weathertight defects.</p> <p>This may include claims of negligence under the RMA, LGOIMA, LGA, etc.</p> <p>Council has approved a financial delegation authority which may need to be revised.</p>	
9.3.13 Review the causes of settled claims and put steps in place to limit future events	New	None available	<p>9.3.13.1 Identify and report, with appropriate recommendations, on the contributing factors in claims that have settled in this Fund Year.</p> <p>9.3.13.2 Ensure that the outcomes of annual reviews lead to updating of policies, where and if required, to reduce the number of new general negligence (planning related) claims.</p>	<p>Develop operational policies reflect critical areas that might lead to future claims.</p> <p>The policies identify operational measures, including additional training, reviews of competency and supervision to prevent future claims</p>	

Customer

What business results must we deliver to our customers, to deliver on the outcomes?

Performance Standards for LTP

Performance Standards for LTP	Current performance	Benchmarks	Recommended LOS	Rationale	Council Direction
Weathertight claims resolution					
9.3.9 Manage the processing of weathertight-related claims under the appropriate forum	New	Council complies with WHRS, WHT, District Court, High Court rules, including meeting acceptable standards of evidence, timeframes, and representation.	<p>9.3.9.1 Process weathertight-related claims to settle or remove Council as a party, to agreed timeframes <i>(Timeframes are those agreed by both parties).</i></p> <p>9.3.9.2 Settlement contributions are agreed in accordance with the Financial Delegation Authority prior to attending negotiations.</p>	<p>Resolution of all weathertight-related claims, excluding the Financial Assistance Package (FAP) scheme, but including those that are combined with non-weathertight defects e.g. structure as a result of the earthquakes.</p> <p>All new weathertight-related claims are not currently insured.</p> <p>Council has previously approved the Financial Delegation Authority.</p>	
9.3.10 Review the causes of settled weathertight-related claims and put steps in place to limit future events	New	None available	<p>9.3.10.1 Identify and report on the contributing factors in weathertight-related claims that have settled in this Fund Year with appropriate recommendations</p> <p>9.3.10.2 Ensure that outcomes of annual reviews lead to updating of appropriate policies to reduce the number of new weathertight-related claims</p>	<p>The policies identify operational measures, including additional training, reviews of competency and supervision to prevent future weathertight-related claims.</p> <p>Develop operational policies that reflect critical areas that might lead to future weathertight-related claims.</p>	
9.3.3 Manage the resolution of Weathertight Homes Resolution Services (WHRS) Financial Assistance Package (FAP) Scheme claims	Meeting requirements for timeframes set out in Ministry of Business, Innovation and Employment (MBIE) FAP contracts with all participating TAs	100% meet MBIE FAP contracts	Assess and process 100% of Weathertight Homes Resolution Service (WHRS) Financial Assistance Package (FAP) claims within timeframes stipulated in the Ministry of Business, Innovation and Employment (MBIE) FAP contracts	Contracts have been agreed with Ministry of Business, Innovation and Employment (MBIE). These are expected to expire in 2016.	