

Mā tō tātou takiwā
For our District

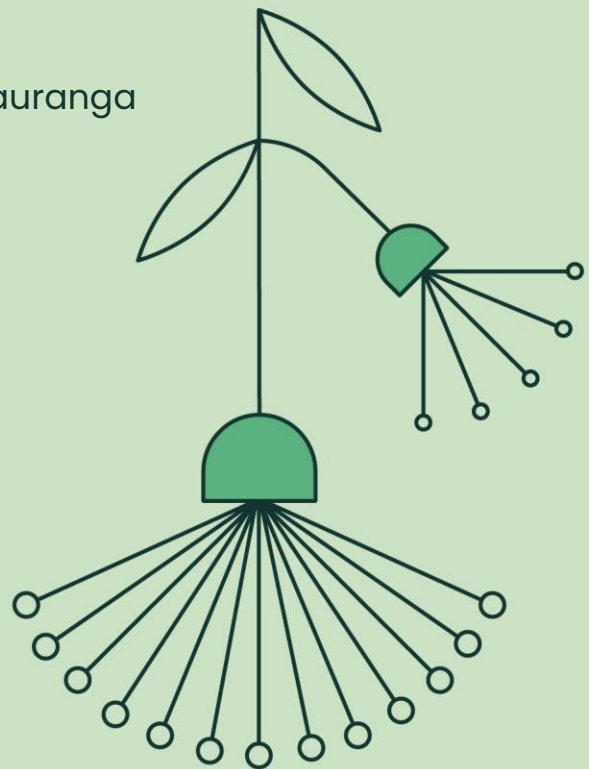
Strategy and Policy Committee

Kōmiti Rautaki me Kaupapa Here

SPC23-6

Thursday, 28 September 2023, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



Strategy and Policy Committee

Membership:

Chairperson	Mayor James Denyer
Deputy Chairperson	Cr Richard Crawford
Members	Cr Tracey Coxhead Cr Grant Dally Cr Murray Grainger Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Deputy Mayor John Scrimgeour Cr Allan Sole Cr Don Thwaites Cr Andy Wichers
Quorum	Six (6)
Frequency	Six weekly

Role:

- To develop and review strategies, policies, plans and bylaws to advance the strategic direction of Council and its communities.
- To ensure an integrated approach to land development (including land for housing), land use and transportation to enable, support and shape sustainable, vibrant and safe communities.
- To ensure there is sufficient and appropriate housing supply and choice in existing and new urban areas to meet current and future needs.

Scope:

- Development and review of bylaws in accordance with legislation including determination of the nature and extent of community engagement approaches to be deployed.
- Development, review and approval of strategies and plans in accordance with legislation including
- determination of the nature and extent of community engagement approaches to be deployed.
- Subject to compliance with legislation and the Long Term Plan, to resolve all matters of strategic policy outside of the Long Term Plan process which does not require, under the Local Government Act 2002, a resolution of Council.

- Development of District Plan changes up to the point of public notification under the Resource Management Act 1991.
- Endorsement of the Future Development Strategy and sub-regional or regional spatial plans.
- Consider and approve changes to service delivery arrangements arising from service delivery reviews required under the Local Government Act 2002 (provided that where a service delivery proposal requires an amendment to the Long Term Plan, it shall thereafter be progressed by the Annual Plan and Long Term Plan Committee).
- Where un-budgeted financial implications arise from the development or review of policies, bylaws or plans, recommend to Council any changes or variations necessary to give effect to such policies, bylaws or plans.
- Listen to and receive the presentation of views by people and engage in spoken interaction in relation to any matters Council undertakes to consult on whether under the Local Government Act 2002 or any other Act.
- Oversee the development of strategies relating to sub-regional parks and sub-regional community facilities for the enhancement of community wellbeing of the Western Bay of Plenty District communities, for recommendation to Tauranga City Council and Western Bay of Plenty District Council.
- Consider and decide applications to the Community Matching Fund (including accumulated Ecological Financial Contributions).
- Consider and decide applications to the Facilities in the Community Grant Fund.
- Approve Council submissions to central government, councils and other organisations, including submissions on proposed legislation, plan changes or policy statements.
- Receive and make decisions and recommendations to Council and its Committees, as appropriate, on reports, recommendations and minutes of the following:
 - SmartGrowth Leadership Group
 - Regional Transport Committee
 - Any other Joint Committee, Forum or Working Group, as directed by Council.
- Receive and make decisions on, as appropriate, any matters of a policy or planning nature from the following:
 - Waihi Beach, Katikati, Ōmokoroa, Te Puke and Maketu Community Boards.
 - Community Committee.

Power to Act:

- To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

Power to Recommend:

- To Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

- The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body subject to the restrictions within its delegations and provided that any such sub-delegation includes a statement of purpose and specification of task.
- Should there be insufficient time for Strategy and Policy Committee to consider approval for a final submission to an external body, the Chair has delegated authority to sign the submission on behalf of Council, provided that the final submission is reported to the next scheduled meeting of the Strategy and Policy Committee.

Notice is hereby given that a Strategy and Policy Committee Meeting will be held in the Council Chambers, Barkes Corner, 1484 Cameron Road, Tauranga on:
Thursday, 28 September 2023 at 9.30am

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1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT**3 IN ATTENDANCE****4 APOLOGIES****5 CONSIDERATION OF LATE ITEMS****6 DECLARATIONS OF INTEREST**

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

7 PUBLIC EXCLUDED ITEMS**8 PUBLIC FORUM**

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer relationship management system as a service request, while those requiring further investigation will be referred to the Chief Executive.

9 PRESENTATIONS

10 REPORTS

10.1 SUBMISSION ON BUILDING CONSENT SYSTEM REVIEW: OPTIONS PAPER CONSULTATION (2023)

File Number: A5678083

Author: Katy McGinity, Senior Policy Analyst

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

For the information of the Strategy and Policy Committee, this report presents a submission made by Western Bay of Plenty District Council on the following matter:

(a) MBIE: Building consent system review: options paper consultation (2023).

RECOMMENDATION

1. That the Senior Policy Analyst's report dated 28 September 2023 titled 'Submission on Building Consent System Review: Options Paper Consultation (2023)' be received.
2. That the submission, shown as **Attachment 1** to this report, be received by the Strategy and Policy Committee and the information noted.

ATTACHMENTS

1. **Submission on building consent system review: options paper consultation (2023)**  



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4 August 2023

Ministry of Business, Innovation and Employment
Consultation: Review of the Building Consent System
Building System Performance
Building, Resources and Markets
Ministry of Business, Innovation and Employment
PO Box 1473 Wellington 6140
New Zealand

By email: building@mbie.govt.nz

Name: Mayor Denyer
Organisation: Western Bay of Plenty District Council
Postal Address: Private Bag 12803, TAURANGA 3143
Daytime telephone: 0800 926 732
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Building consent system review: options paper consultation (2023)

We appreciate the opportunity to provide feedback to the building consent system review: options paper consultation (2023).

Council supports MBIE's focus on the whole of building consent system and supports the breadth of the review.

Background

Western Bay of Plenty District Council is a territorial local authority covering approximately 195,000 hectares. The population of the district is currently around 58,000. Towns in the District include Te Puke Ōmokoroa, Katikati, Waihi Beach, Maketu and Pukehina.

We are a fast-growing district, and our population is expected to exceed 70,000 by 2041. We are classified as a 'Tier one' Council in terms of the Nation Policy Statement on Urban Development. We are currently progressing the Medium Density Residential Standards (MDRS) plan change which will enable more medium density developments and we expect this will impact building consent numbers and complexity.



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The resource consents for Stage 1 of the Rangioru Business Park (35 hectares) have now been granted, and we are expecting multiple industrial and commercial applications for building consent to follow. The Business Park will eventually be a total of 148 hectares.

In the year to June 2023, we processed 992 building consents. The Western Bay of Plenty sub-region is one of the fastest growing areas in New Zealand. The need to deliver growth and providing efficient and effective building control services is well understood by Council.

Submission points

Our submission points are set out below, in response to the questions posed by the consultation.

We are more than happy to discuss any matters for clarification or to expand further.

Yours sincerely,

A handwritten signature in black ink that reads "James Denyer".

James Denyer
Mayor
Western Bay of Plenty District Council



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Promoting competition in the building regulatory system

Questions about promoting competition in the building regulatory system		
1	What options are more likely to promote and give competition more prominence in the building regulatory system and its decision-making, given the costs and risks?	<p>It is difficult to see how the role of promoting competition among the building system is a role for building consent authorities.</p> <p>It is important for Councils to maintain a sense of neutrality across the building consent process and any promotion of competition may be perceived as Council not meeting this duty and favouring a particular supplier.</p>
2	Are there other regulatory and non-regulatory options that would promote and give competition more prominence in the building regulatory system and its decision making	<p>Currently, the assessment of products used in consent applications is onerous. It requires a risk-based assessment by the building consent authority and with the introduction of multiple new products (with no consenting history) every year and the inability to rely on warranties the need to get it right is paramount.</p> <p>The creation of a national product certification system and/or register by MBIE would provide significant use to building consent authorities and enable quicker decision making.</p> <p>In addition to this, it is suggested that the process around the supply of statements of conformity to the Building Code could be improved. It is recommended that this process is reviewed in order to make it more independent.</p>
3	What other options or potential combinations would work together to give effect to competition	See answer to question 1 above.



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	as an objective in the building regulatory system?	
4	Do you agree with MBIE's preferred approach to progress options 2 (introduce competition as a regulatory principle) and 4 (issue guidance on promoting competition) as a package? Please explain your views.	The promotion of competition is ultimately the role of the Commerce Commission and the introduction of it as a regulatory principle and producing guidance around it does not change this.



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Removing impediments to product substitution and variations

Questions about removing impediments to product substitutions and variations	
<p>5</p>	<p>Do you agree with MBIE's preferred approach to progress all the options to improve product substitutions and variations (including for MultiProof) together as a package? Please explain your views.</p> <p>While we support the creation of greater efficiencies across the building consent system however have identified some risks around the proposed options.</p> <p>Compatibility of products There appears to be no consideration of how products work together and how this can be considered when a product is substituted for another. The risk of product clashes needs to be considered in this context. It should be noted that some products work as a 'system' and part of the system cannot be a simple substitution.</p> <p>Zones As above there appears to be no consideration of a particular products suitability for the durability zone in which it is being used.</p> <p>The above matters need to be addressed before any type of product substitution is progressed.</p>
<p>6</p>	<p>What impacts will the options regarding product substitution and variations to consents have? What are the risks with these options and how should these be managed?</p> <p>The definitions of 'minor variation' and 'deviate significantly' need to be made clearer. Would these apply to specific situations or a specific product?</p> <p>The scope of this change needs to be narrowed while ensuring that any liability to Building Control Authorities is reduced as much as possible.</p>
<p>7</p>	<p>What impacts will the options regarding MultiProof have? What</p> <p>Council supports the use of the MultiProof system and encourages greater use of it across the sector. It is recommended that</p>



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	<p>are the risks with these options and how should these be managed?</p>	<p>MBIE promote the system more and look at ways it can be made more accessible with an easier pathway for 'sign up'.</p> <p>We are generally supportive of options 1 and 2 and suggest that this may encourage more developers to use the MultiProof system.</p>
<p>8</p>	<p>Are there any other options to improve the system and make product substitutions and variations to consents, and MultiProof, more effective and efficient?</p>	<p>The creation of a national product certification system and/or register by MBIE would provide significant use to building consent authorities and enable quicker decision making.</p>



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Strengthening roles and responsibilities

Questions about options to clarify roles and responsibilities and strengthen accountability		
9	Do you agree with MBIE’s preferred approach to progress options 1 (guidance) and 2 (declaration of design compliance requirement) as a package? Please explain your views.	<p>Yes, while certain roles and responsibilities are already made clear in the Act, additional guidance would provide the necessary information to fill any gaps.</p> <p>Building consent authorities are only part of the approach to provide assurance. Assurance begins with good quality design, followed by quality workmanship.</p>
10	Should there be a requirement for a person to be responsible for managing the sequencing and coordination of building work on site (option 3)? Please explain your views.	<p>A person to manage the sequencing and coordination of building work on site would be beneficial and mean that building inspectors would have someone specific to talk to.</p> <p>It is suggested that the existing site licence provisions could be utilised for this purpose.</p>
11	What are the risks with these options and how should these be managed	<p>There is a risk that one person being responsible for the sequencing of events may become solely liable for everything and viewed as potential ‘scapegoat’.</p> <p>Provisions need to be put in place to safeguard the role and that on person to ensure that liability sits across the wider build and building companies are still held accountable.</p>
12	Do you agree the declaration of design compliance should be submitted by a person subject to competency assessments and complaints and disciplinary processes? Please explain your views.	<p>Yes, competency of designers is a key area where improvements could be made.</p> <p>Currently, there is no requirement around what level of building a designer can undertake work on. This is resulting in the building consent authority having to manage any anomalies through the consent process.</p>



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		This is not the role of the building consent authority, and the onus should be on the designer to provide the requisite evidence in line with the building code.
13	What information should be provided in a declaration of design compliance? Would the detail and type of information required in Form2A (Certificate of design work) be sufficient?	<p>A declaration of design compliance should state how the design is complying with the Building Code. Currently, compliance with the building code appears to be seen as an individual rather than a shared responsibility. Requiring more parties to state how their work applies to the code will help lift the standard.</p> <p>Form2A is currently very generic and does not provide enough detail for the building consent authority to rely on. The declaration of design compliance could help improve this.</p>
14	Should the declaration of design compliance replace the certificate of design work (for restricted building work)? Please explain your views.	Potentially yes, as per above answers.
15	When might a design coordination statement be required? What should be the responsibilities and accountabilities of the person providing the design coordination statement?	The design coordination statement should provide tangible evidence of a person's qualifications to undertake design at the level aligned with what is proposed in the application.
16	Should there be restrictions on who can carry out the on-site sequencing and	The person carrying out the on-site sequencing should be suitably qualified. The site licence provisions could be expanded to include different categories

10.2 SUBMISSION ON CRITICAL INFRASTRUCTURE PHASE ONE CONSULTATION**File Number:** A5678085**Author:** Katy McGinity, Senior Policy Analyst**Authoriser:** Rachael Davie, Deputy CEO/General Manager Strategy and Community**EXECUTIVE SUMMARY**

For the information of the Strategy and Policy Committee, this report presents a submission made by Western Bay of Plenty District Council on the following matter:

- a) Submission on Strengthening the Resilience of Aotearoa New Zealand's Critical Infrastructure System phase 1 consultation.

RECOMMENDATION

1. That the Senior Policy Analyst's report dated 28 September 2023 titled 'Submission on Critical Infrastructure Phase One Consultation' be received.
2. That the submission, shown as **Attachment 1** to this report, be received by the Strategy and Policy Committee and the information noted.

ATTACHMENTS

1. **Submission on Strengthening the Resilience of Aotearoa New Zealand's Critical Infrastructure System phase 1 consultation**  

10.3 SUBMISSION ON GOVERNMENT POLICY STATEMENT ON LAND TRANSPORT 2024**File Number:** A5694217**Author:** Katy McGinity, Senior Policy Analyst**Authoriser:** Rachael Davie, Deputy CEO/General Manager Strategy and Community**EXECUTIVE SUMMARY**


For the information of the Strategy and Policy Committee, this report presents a submission made by Western Bay of Plenty District Council on the following matter:

- (a) Government Policy Statement on Land Transport 2024.

RECOMMENDATION

1. That the Senior Policy Analyst's report dated 28 September 2023 titled 'Submission on Government Policy Statement on Land Transport 2024' be received.
2. That the submission, shown as **Attachment 1** to this report, be received by the Strategy and Policy Committee and the information noted.

ATTACHMENTS

1. **GPS Land Transport 2024-34 - Final Submission** 

10.4 SUBMISSION ON WESTERN BAY OF PLENTY DEVELOPMENT PLAN: MAJOR CAPEX PROPOSAL LONG-LIST CONSULTATION

File Number: A5723010

Author: Tracey Miller, Strategic Advisor Resource Management

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

For the information of the Strategy and Policy Committee, this report presents a submission made by Western Bay of Plenty District Council on the following matter:

- (a) Transpower's Western Bay of Plenty Development Plan: Major Capex Proposal long list for consultation.

RECOMMENDATION

1. That the Strategic Advisor Resource Management's report dated 28 September 2023 titled 'Submission on Western Bay of Plenty Development Plan: Capex Proposal long-list consultation' be received.
2. That the submission, shown as **Attachment 1** to this report, be received by the Strategy and Policy Committee and the information noted.

ATTACHMENTS

1. **Submission on Transpower's WBOP Development Plan long list**  

11 INFORMATION FOR RECEIPT