

Office of the Minister of Local Government

Cabinet Economic Growth and Infrastructure Committee

heading

Proposal

1. text.

Executive summary

2. text.

3. text.

4. text.

5. text.

6. text.

7. text.

8. text.

Background

9. text].

10. text.

11. text.

12. text.

13. text.

14. text.

The opportunities

15. text:

- Building and Housing
- Environment
- Workplace Relations and Safety
- Local Government
- Transport
- Land Information
- Conservation
- Justice
- Health
- Regulatory Reform
- State Services

16. text.

17. text:

- text and

- text.

18. text.

19. text.

Content of the report back to Business Growth Agenda (BGA) Ministers

20. text.

21. text:

- text.
- text.
- text.
- text.
- text).

22. text.

Release of the Taskforce Report and submissions

23. text.

24. text.

Role of local government

25. text.

26. text.

27. text.

Consultation

28. text.

29. text.

30. text.

Financial implications

31. text.

Legislative implications

32. There are no legislative implications arising from this paper.

Regulatory impact analysis

33. A regulatory impact statement is not required.

Human rights, gender and disability

34. There are no human rights, gender, or disability implications arising from this paper.

Publicity

35. I will issue a media statement to announce the release of the Report and the submissions.

Hon Paula Bennett
Minister of Local Government

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Appendix 1 – summary of opportunities by Ministerial portfolio

Building and Housing portfolio

Building Act 2004

1. Get the building sector to the point where it can certify its own work.
2. Review and cap building levies.
3. Speed up risk-based consenting and investigate other ways to simplify the consenting of minor structures.
4. Encourage councils to exercise their discretion to exempt structures in Schedule 1.
5. Review Schedule 1 exemptions, including those proposed by the Society of Local Government Managers.
6. Encourage councils to actively manage building (and resource) consents from beginning to end, using an end-to-end relationship management approach.
7. Require councils to report publicly on their performance in meeting the statutory 20-day deadline, as well as the total time (including all delays resulting from information requests and so on).
8. Promote the staged processing of building consents so structural work can get under way before non-structural work is approved.
9. Better manage the pace of change in the administration of the building code.
10. Make it easier and cheaper to access building information.
11. Streamline the MBIE determinations process.
12. Define and provide guidance on “as nearly as is reasonably practicable”, as used in the Building Act 2004.
13. Guide councils on their application of discretion when assessing proposed changes of use, including ensuring fire and access upgrades are appropriate to the scale of the project.
14. Complete the fix-up of the building fire upgrade regulations this year.
15. Lift the professionalism of the building industry, and boost the number of apprenticeships.
16. Encourage self-certification by builders who would have to achieve minimum levels of registration under the LBP scheme, so as to deal with joint and several liability pressures on councils.
17. Extend the LBP scheme to cover commercial building practitioners.
18. Recognise the expertise of professionals to reduce the need for peer reviews. (This could be a combined effort by LGNZ, MBIE and the Ministry for the Environment).

Environment and other portfolios

Resource Management Act 1991

19. Councils should adopt an end-to-end, proactive relationship management approach to processing resource (and building) consents.
20. Councils should consider incentives for growing a culture of performance.

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21. Narrow the test of an affected party.
22. Stop the practice of demanding money to sign an affected party form.
23. Develop detailed guidance material on how resource consent applicants should carry out cultural impact assessments.
24. Ensure such guidance material contains timeframes for iwi consultation and information on any costs.
25. Remove the need for a resource consent if a breach of a plan rule is minor and/or technical in nature.
26. Give councils guidance material on when they can waive the need for a consent.
27. Make plan changes quicker by amending the Resource Management Act 1991 so technical adjustments can take place without a full Schedule 1 process.
28. Give councils guidance on when they should invoke this provision.
29. Consult councils when developing national policy statements and national environmental standards
30. Produce timely guidance to accompany all such statements and standards
31. Make this guidance material part of a broader implementation programme that involves councils.
32. Prepare guidance material for councils on how to implement section 6(c), particularly as it relates to private property rights.
33. Progress a national policy statement on indigenous biodiversity.
34. Review the national environmental standard for contaminated sites, and the Hazardous Activities and Industries List.
35. Revise the definition of sports fields as contaminated sites.
36. Require councils to have evidence of potential contamination before imposing a test, and to share costs where a test or re-test proves negative.
37. Consider the financial implications of implementing national environmental standards and national policy statements.
38. Review the recent tree protection changes to address the concerns raised.

Workplace Relations and Safety portfolio

Health and Safety in Employment Act 1992

39. Require WorkSafe to take active steps to correct common misunderstandings in the industry.
40. Require central government agencies, to work with councils, employer groups and trade unions to develop clear, easily understood regulations, codes of practice and guidelines to support the Health and Safety Reform Bill once it becomes law.
41. Require WorkSafe to review its website and guidance documents to fix the confusing and hard-to-read material and hard-to-find material currently available.

Local Government portfolio

Becoming more customer-focussed – creating a customer service culture (also crosses over State Services and other portfolios)

42. Require government departments to adopt a stakeholder approach similar to the one used by the Ministry of Transport.
43. Amend the State Sector Act 1988 and the Local Government Act 2002 to include customer service responsibilities for chief executives.
44. Councils should consider utilising the Customer Champion or Fast Fix approaches.
45. Establish a dedicated and supported central government website where people can send in loopy rules, which the responsible agency would be required to fix.

Local Government Act 1974

46. Clarify what encroachments councils can approve.
47. Give councils advice on how to interpret the law.
48. Make it easier to update leases.
49. Streamline the process for disposing of abandoned vehicles.
50. Make the requirements of the Local Government Act 1974 and Transport (Vehicular Traffic Road Closure) Regulations 1965 compatible with each other.
51. Make it easier for councils to temporarily close a road.

Local Government Act 2002

52. Make it easy to find out what type of connection is provided to a property.
53. Require councils' development contribution policies and calculations to be reasonable and understandable.
54. Require council controlled organisations to provide the same protections in regard to infrastructure development, as provided for development contributions in the Local Government Act 2002.
55. Make it easier under the Building Act 2004 for councils to require that derelict properties be maintained or to order their demolition.
56. Develop a LIM process that recognises customer requirements and the council's risk.
57. Give councils the ability to provide two levels of LIMs: one quickly but without the expectation of a legal duty of care, or a full report within 10 days with the council having full duty of care.
58. Develop better information and resources to help dog owners and councils to manage their responsibilities.

Local Government and Transport portfolios

59. Amend the Land Transport Act 1988 and the Local Government Act 2002 to ensure sound legal backing to councils' traffic control decisions.

Local Government and Land Information portfolios

60. Streamline the process of road stopping while still ensuring appropriate public access.
61. Make councils solely responsible for allocating street names and numbers.

Local Government and Conservation portfolios

62. Enable councils to collect fines for freedom camping infringements.

Conservation and Environment portfolios

Reserves Act 1977

63. Update the Reserves Act 1977 and ensure co-ordination with the Resource Management Act 1991.

Health and Building and Housing portfolios

Housing Improvement Regulations 1947

64. Make the Housing Improvement Regulations 1947 consistent with the Building Act 2004 and the Residential Tenancies Act 1986.

Health portfolio

Health (Hairdressers) Regulations 1980, and Health (Registration of Premises) Regulations 1966

65. Remove the requirement for annual licensing of hairdressers and barbers.

Justice portfolio

Sale and Supply of Alcohol Act 2012

66. Improve understanding of the law around the sale and supply of alcohol.

Regulatory Reform and other portfolios

Improving how we make rules

67. Develop a coordinated pipeline approach to regulation.
68. Require all government departments to adopt a stakeholder approach, such as that used by the Ministry of Transport. The Ministry signals policy changes in advance, involves stakeholders early on and is open to critical feedback.
69. Require all government departments to develop a project-specific engagement approach when developing policies and regulations that local government must implement, for example, with the planned changes to Easter Sunday trading and the implementation of the Building (Earthquake-prone Buildings) Act.
70. Integrate an updated Code of Good Regulatory Practice into the forthcoming Government strategy for the regulatory management system and promote the Code more widely, including to the local government sector.

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71. If a proposal will affect councils, Cabinet papers should include “consultation with the Minister of Local Government”.
72. Include a cost-benefit analysis prior to development.
73. Provide guidance to councils and other compliance agencies on major matters of interpretation of new regulations, for example, use of discretion.
74. Extend Treasury’s annual review of government regulation to tighten up the quality of Regulatory Impact Analysis and Statements.
75. Require Treasury and the Department of Internal Affairs to assess, monitor and report back on the impact of legislation and regulations on councils.