

Attachment A

Kaipara District Council

**Monitoring Report - Territorial Authority Building
Control Functions**

Overview

The assessment approach

The Ministry of Business, Innovation and Employment's (MBIE's) Compliance and Assurance (C&A) team carried out a performance monitoring assessment of Kaipara District Council (KDC) in September 2020.

Performance monitoring assessments are carried out under s204 of the Building Act 2004 (the Act) and are one of several methods we use to meet the objectives of our building consent authority (BCA)/territorial authority (TA) compliance strategy. Performance monitoring allows us to gain a better picture of the existence and maturity of council systems and processes for managing TA building control functions.

The assessment looked at the performance of KDC's TA functions relating to:

- Compliance schedules and building warrants of fitness (BWoFs); and
- Means of restricting access to residential pools.

In order to get an overall view of how KDC is carrying out the above functions, the C&A team assessed the council against performance indicators within the following four focus areas¹:

1. Policies, procedures and systems
2. Forms, public information and education
3. Staff, resource and training
4. Performance of functions i.e. the practice of carrying out each function.

The assessment was conducted as a **desktop assessment** which involved the assessment of KDC's documentation, forms and online material.

This document details the findings from the assessment.

Assessment results

The results of the assessment are formed by comparing the council's performance of a function against a series of performance indicators. The primary benefit of assessing councils against these performance indicators is that it highlights where council are performing well and where improvements can be made. However, it has the added benefit of ensuring:

- each council is assessed in the same way
- easy data analysis and comparison between councils
- an incentive is created for councils to improve their performance with easy identification of where to improve.

It is important to note that failure to meet one or more of the indicators does not mean a council is failing to perform its functions, duties and powers under the Act.

The C&A team will follow-up on the council's progress towards addressing the recommendations made in this report within 3 months.

¹ See Appendix one

About Kaipara

The Kaipara district is a region of approximately 24,000 people, covering an area of 3,117 km². The region is located in the upper North Island and is bordered by Far North District Council to the north, Whangarei District Council to the east and Auckland Council to the south.

Kaipara District Council – Assessment statistics*

	Subject	Period/total	Total
	Compliance schedules and BWoFs		
1	Buildings with a compliance schedule	As at 1 May 2020	235
2	Buildings with a BWoF	As at 1 May 2020	193
3	Number of applications to amend a compliance schedule received (not captured by building consent process)	1 May 2017 to 1 May 2020	7
4	Number compliance schedules amended as a result of applications received (not captured by building consent process)	1 May 2017 to 1 May 2020	7
5	BWoF audits carried out	1 May 2017 to 1 May 2020	24
6	Notices to fix (NTF) issued	1 May 2017 to 1 May 2020	3
7	Infringement notices issued	1 May 2017 to 1 May 2020	0
	Means of restricting access to residential pools		
8	Number of residential pools (subject to means of restricting access requirements) on TA's register/records subject to s162D inspections	As at 1 May 2020	470
9	On-site pool barrier inspections carried out under s162D by TA (excl re-inspections)	1 May 2017 to 1 May 2020	76
10	On-site pool barrier inspections carried out under s162D by independent qualified pool inspectors (IQPIs)	1 May 2017 to 1 May 2020	0
11	Number certificates of periodic inspection received from IQPIs	1 May 2017 to 1 May 2020	0
12	Waivers and/or modifications issued under s67A	1 May 2017 to 1 May 2020	0
13	NTFs re pool barriers issued for breaches of the means of restricting access requirements	1 May 2017 to 1 May 2020	0
14	Infringement notices issued for breaches of the means of restricting access requirements	1 May 2017 to 1 May 2020	0

**As supplied by Kaipara District Council*

Findings

Summary

Overall strengths

- KDC have an audit/inspection check sheet for conducting pool barrier inspections which covers all aspects required to confirm compliance with s162C or 450B of the Act.
- KDC has public information on pool barrier requirements for pool owners which provides links to MBIE's guidance.
- KDC has audit/inspection check sheet for conducting BWoF inspections which covers the key checks MBIE would expect to take place during an audit.
- KDC has public information on BWoF and compliance schedule requirements which is easy to locate.

Overall areas for improvement

- KDC should consider reviewing and rewriting their policy and procedure document for administering the means of restricting access to residential pools' requirements. The policy should have high-level objectives followed by a series of procedures for performing the functions. There are also a number of additional aspects that should be covered by this document (see the 'policy, procedure and systems' section on pages 5 and 6).
- Ensure public information on pool barriers is easy to locate and legislatively correct, up to date and covers off the key 'new' provisions. (See PI2-5)
- KDC have only carried out 76 pool barrier inspections (out of 470) in the last 3 years. It is a statutory requirement that TAs ensure inspections of pool barriers are carried out at least once every 3 years. This has not happened, which is a serious concern.
- It is strongly recommended that more full-time equivalent (FTE) resource be employed/assigned to carrying out pool barrier inspections in order to complete the remaining inspections and ensure all pool barriers are inspected during each 3-year cycle.
- KDC's 'how to guide' for compliance schedule and BWoF matters is limited to providing general guidance about these functions and would not be seen as a policy or procedure document. KDC should document and adopt a policy and procedure document for administering the compliance schedule and BWoF requirements. The policy should have high-level objectives followed by a series of procedures for performing the functions. (See the 'policy, procedure and systems' section on pages 14-16).
- The compliance schedules reviewed as part of the assessment did not comply with the Building (Amendment) Act 2012, lacked sufficient information and in many cases were not building-specific enough.
- Ensure prescribed forms received from external parties comply with legislation and ensure council staff request any non-compliance to be corrected.
- Ensure sufficient staff resource to carry out functions in relation to compliance schedules and BWoFs. KDC has a ratio of 2350 compliance schedule per FTE which is very high. Over the last 3 years, KDC have only carried out 24 BWoF audits, which equates to about 3.4% of buildings per year.
- KDC could not advise how many of their compliance schedules need to be amended to comply with the Building Amendment Act 2012. 100% of compliance schedules were required to be updated to comply by 31 March 2013. MBIE recommends KDC do a scoping exercise to establish exactly how many of its 235 compliance schedules need to be amended and ensure this takes place immediately.