Building Amendment Bill CBA submission

To the Transport and Infrastructure Committee / successor committee considering Bill 332–1

Who we are

City Builders Association Limited (CBA) is an Auckland volunteer civic advocacy group. We have never sought funding. We support good density and transparent public decision-making, with particular interests in rates, transport, heritage, parking and fair infrastructure funding.

Our director, Mark Pervan, is a former local board member, has project-managed commercial and residential builds, and has run manufacturing plants. That practical perspective informs this submission: allocate responsibility clearly, verify quality at each stage, and do not confuse a shorter administrative deadline with a completed, durable building. We do not claim to represent the entire building industry.

We support the Bill's direction, subject to the safeguards below. References are to the introduced Bill 332–1 [B], not enacted law; "new section" means a provision proposed for the Building Act 2004.

1. Support proportionate liability, but make consumer protection operational at the same time

Retain clause 46, new sections 393B and 393D, and the residential contracting-out protection in new section 393C. Responsibility should follow the contribution to defective work, rather than the financial accessibility of a defendant. This is fair to ratepayers, but councils must remain accountable for their own failures. Clear design responsibility, inspection records and construction handovers are essential to making that allocation work in practice.

Our support is conditional on effective protection against unrecoverable losses. New section 393B(4) allows apportionment even where another wrongdoer is insolvent or no longer exists. An owner may therefore bear the missing share. Require a public implementation-readiness assessment of warranty and insurance availability, exclusions and claims arrangements before the liability change starts. Clause 2(5) currently gives the main liability and insurance/warranty provisions the same first-anniversary commencement; that alone does not prove products will be available.

2. Make mandatory home warranties reliable, transferable and easy to claim

Support clause 46, new sections 393S–393X, and clause 47's provider registration regime. Require transparent financial backing, meaningful cover limits and excesses, an accessible complaints/claims route, and plain-language disclosure of insolvency and non-completion cover or exclusions. Do not let registration be mistaken for a guarantee of payment. New section 393V allows insurance-based and other enforceable warranty arrangements: solvency safeguards must address both.

Agree with Council's support for warranties and fair risk allocation [C, pp. 36–37]. CBA places a stronger condition on commencement: the homeowner protection must work, not merely exist on paper. We do not assert any quantified rates saving or premium reduction.

3. Close coverage gaps without undermining good density

Use clause 46, new sections 393S–393W, to make scope and residual risks explicit. New section 393S covers new houses and new small-to-medium apartment buildings involving restricted building work requiring consent; its $100,000 including GST threshold applies to renovations, not to all new homes. New section

393U defines the relevant apartment building as less than 10 metres high and excludes non-residential/non-ancillary parts. Do not describe this as universal protection for all housing.

Publish a coverage-gap assessment for taller and mixed-use housing and a proportionate protection proposal for those owners, rather than discouraging suitable density. Set out how common-property defects, transfers to subsequent owners and latent non-structural defects are treated. New section 393V provides one year for defective work and ten years for structural defects, with start times prescribed by regulations; it does not promise ten-year cover for every defect. Require a standard, searchable warranty record on the property file, building on new sections 393Y–393ZA and clause 17, without making a BCA the warranty underwriter.

4. Support professional indemnity insurance with credible continuity of cover

Support clause 46, new sections 393J–393P. The $100,000 including GST threshold in new section 393J concerns the total price of building project work, not the consultant's fee. Before commencement, specify the regulated consultant classes/services, adequate indemnity, exclusions, aggregate limits and continuity/run-off arrangements. Design and construction errors can emerge long after a firm changes hands or stops trading.

Agree with Council that insurance should relate to project risk and that exemptions must not reward poor operators [C, pp. 36–37]. Amend new section 393Q so market-disruption relief is targeted, time-limited, publicly reasoned and accompanied by homeowner risk disclosure; consider Council's "class of persons" wording. We do not endorse an uncapped public guarantee. Council seeks exploration of a government-backed last-resort scheme; CBA would first require transparent options, pricing and fiscal-risk analysis [C, p. 36].

5. Retain the sustainable/solar pathway, with delivery safeguards

Support clauses 15–16 in principle. New section 47A requires criteria and supporting evidence; new section 48(1A)(ac) proposes ten working days for qualifying whole-building construction. Eligibility is residential, no more than three storeys, and without a specified system. The chief executive's notice sets the detailed performance criteria; do not treat those future criteria as settled.

Agree with Council's request for a formal consent amendment if qualifying attributes are removed, rather than using their inclusion to obtain priority and then deleting them [C, pp. 37–38]. Add completion-stage verification and a clear record of any accepted equivalent substitution. Permit genuinely equivalent improvements without disproportionate rework. Require published eligibility guidance, adequate processing capacity and reporting of actual elapsed times and outcomes for both priority and ordinary applications. From project management and manufacturing experience, complete inputs, clear accountability and early quality checks matter as much as the nominal clock.

6. Improve consistency and keep implementation costs visible

Support the voluntary BCA collaboration/consolidation provisions in clauses 25–36, subject to published service standards, clear responsibility for inspections and records, accessible local services and transparent transition costs. Larger administrative units are not automatically more efficient. Report fees, processing performance and any ratepayer subsidy so claimed benefits can be tested. This aligns with Council's support for collaboration, while placing particular emphasis on accountability and demonstrable service improvement [C, pp. 38–39].

Hearing request

City Builders Association does not wish to appear before the committee; this is a written submission only.

Submitted for City Builders Association Limited by Mark Pervan, Director.

Sources

[B] Official bill: Building Amendment Bill 332–1. Open source — Clauses 2, 15–17, 25–36, 46–47; proposed sections cited above were checked against the introduced text.

[C] Auckland Council: PPD item 8.2, 10 November 2026. Open source — Report pp. 23–29; Attachment A pp. 30–41, especially pp. 34–39. These are printed agenda-packet pages (also PDF pages). Council's submission is a draft awaiting committee consideration, not an adopted position as at preparation.

[P] Parliament bill and committee record. Open source — Identifies Bill 332–1 and the Transport and Infrastructure Committee. Its "31 Dec 2098" submission date is inconsistent with the call for submissions and should not be used as a real deadline.

[F] Committee call for submissions and online submission route. Open source — The official call says submissions will close early in the 55th Parliament. It explains public release, separate contact details and the hearing option.

[L] Parliament's current open-submissions list. Open source — Lists the closing date as N/A and says submissions can still be made while held by the Clerk pending re-established committees.