



## FURTHER BCA REGISTRATIONS

Six more territorial authorities accredited and registered as building consent authorities (BCAs) were presented with their certificates of registration by the Department of Building and Housing's Chief Executive, Katrina Bach, at a function in Wellington in March.

The photo shows, from left, Linda Gordon (Manawatu District Council), Dennis Bellamy (Matamata-Piako District Council), Steve Hull (Papakura District Council), Ms Bach, Milan Hautler (Carterton District Council), Phil Saunders (Hamilton City Council) and Darrell Holder (Rotorua District Council).

As at mid May, 30 territorial authorities and 1 regional authority had been accredited and registered as BCAs, with 40 others in the final stages of assessment, as outlined in the table overleaf.

All territorial and regional authorities are required to be accredited and registered as BCAs by 31 March 2009 or to have made alternative arrangements for their statutory building control functions, such as transferring them to an accredited and registered BCA.

This edition of the Building Consent Authority Accreditation and Registration Scheme update provides further guidance to territorial and regional authorities being assessed by International Accreditation New Zealand.

Other topics covered include:

- Building Amendment Act 2008 changes of specific relevance to territorial and regional authorities
- the infringement system that territorial and regional authorities will be able to introduce from July 2008 for Building Act offences
- the issuing of the first licences to Licensed Building Practitioners
- extension of the statutory timeframe to achieve accreditation and registration as a BCA.

**Table 1: Update of assessment for accreditation**

<b>TERRITORIAL AUTHORITIES (73 IN TOTAL)</b>	<b>NUMBER</b>
Pre-assessment completed	2
Full on-site assessment completed	40
Accredited	30*
Transferring building control functions	1
<b>REGIONAL AUTHORITIES (12 IN TOTAL)</b>	
Full on-site assessment completed	2
Transferring building control functions	9
Accredited	1*
<b>PRIVATE ORGANISATIONS CONTRACTED TO TERRITORIAL AUTHORITIES</b>	
Document review completed	1
Full on-site assessment completed	2
Accredited	2**

\* Auckland, Carterton, Clutha, Hamilton, Horowhenua, Hurunui, Franklin, Manawatu, Matamata-Piako, New Plymouth, North Shore, Palmerston North, Papakura, Rodney, Rotorua, Otago Regional, South Taranaki, Southland, Stratford, Taupo, Waikato, Waimakariri, Waitakere, Whakatane, Kaikoura, Hutt City, Hastings, Gisborne, South Waikato, Hauraki, Kawerau.

\*\* Professional Building Consultants Ltd and Manukau Building Consultants Ltd

## **BUILDING AMENDMENT ACT CHANGES AFFECTING LOCAL AUTHORITIES**

The Building Amendment Act 2008, which came into force on 15 March 2008, includes changes that affect how local authorities will perform building control and other building-related functions.

There are no new major policy changes to the Building Act 2004. Rather, the amendments are minor adjustments to improve its workability, and the clarity and effectiveness of the regulatory framework.

Note that the Building Amendment Act does not contain the proposals announced by Building and Construction Minister Shane Jones in March 2008 to streamline aspects of the building consent process with, for example, 'multiple use' consents for large volume builders, (further) building consent exemptions, and a more flexible consents process for starter homes.

The Building Amendment Act 2008 changes affecting local authorities include the following.

### **Building consent exemptions**

The discretionary power of territorial authorities to exempt building work from building consent requirements remains, in Schedule 1 of the Building Act 2004. However, further examples are provided of building work that should or should not be exempt, many of which were in the Building Act 1991.

Building work that **requires** a building consent includes:

- the 'repair or replacement' (other than maintenance) of building materials that have failed durability standards in the Building Code (ie, failure within 5, 15 or 50 years). For example, a building consent is required for re-cladding a 'leaky home' or replacing a leaking roof – but not normal maintenance, such as replacing putty around windows
- replacement of a specified system (eg, an air-conditioning system)
- replacement of building materials that contribute to the building's structural behaviour or fire-safety properties (eg, a load-bearing wall)
- repair or replacement of a hot water cylinder that is connected to an auxiliary heating source (such as a log-burner or solar panel) and where the cylinder is not 'open-vented' (eg, the cylinder uses a valve to release pressure rather than allowing water to escape through a pipe).

Some practitioners and local authorities have allowed replacement of leaky home exteriors to be carried out without a building consent. This is a big risk, as the underlying design problem causing the leaks may not be addressed, and the problem may recur.

Building work that **does not require** a building consent includes:

- normal maintenance, such as replacing putty around windows or repainting a building's exterior
- temporary access points in non-network utility operator (NUO) drainage systems
- motorway signs, stopbanks, certain culverts and similar simple structures owned or controlled by a NUO or similar organisation (such as local authorities with water distribution or roading functions)
- small dams (ie, dams retaining less than 3 metres depth and 20,000 cubic litres volume).

The Act also clarifies that the jurisdiction for determinations includes decisions by territorial authorities to grant or refuse a building consent exemption under paragraph (k) of Schedule 1.

## Network utility operator exemptions

The Building Act 2004 acknowledges that NUOs such as Transit and Transpower build bulk quantities of power poles, towers etc across New Zealand using the same design and process that is subject to expert engineers' oversight and other statutory quality controls. Accordingly, it is inefficient to require a building consent from each local authority.

The Act clarifies that NUOs (or similar organisations, such as local authorities in some situations) do not need a building consent for:

- motorway signs
- stopbanks
- certain culverts and similar simple structures.

Section 9 of the Building Act is also amended to clarify that the following NUO systems are not considered 'buildings', and so they **do not require** building consents.

- Pylons
- Free-standing communication towers
- Power poles and telephone poles

Individuals and organisations that are not NUOs **do require** a building consent for any of these building works.

### **Project information memoranda, code compliance certificates and certificates of acceptance**

From 15 September 2008, all territorial authorities must include a general statement about the Building Act's accessibility requirements on all project information memoranda (PIMs) for proposed 'public use' buildings (as described in Schedule 2 of the Act, buildings which require provision of access and facilities for persons with disabilities). The intention is to increase compliance with the Act's accessibility requirements at the building design stage. Territorial authorities are given a six-month transition period to change PIM records systems accordingly.

From 15 March 2008, building consent authorities (BCAs) or territorial authorities must give new applicants reasons in writing for refusing to issue:

- a code compliance certificate (CCC)
- a certificate of acceptance (COA).

This is consistent with the existing procedure for refusing a building consent application. If local authorities are not already providing reasons in writing, a three-month transition period is given to change CCC or COA processes in respect of applications made prior to 15 March 2008.

### **Dams – regional authority jurisdiction**

The Act confirms that all dams, including 'small' dams, come within the jurisdiction of regional authorities, not territorial authorities.

Separate communications will update regional authorities on the dam-related amendments to the Building Act 2004.

### **Licensed building practitioners, restricted building work and 'memorandum' records**

The Act extends the earliest date for when restricted building work (RBW) can be introduced. Previously, the earliest date was November 2009. The Act now states that RBW can be introduced from November 2010. This change is to allow practitioners enough time to become licensed in each of the classes.

The Building Act sets out the scope of RBW – ie, as the intended basis of what building work will require an LBP to carry out or supervise the building work. The Act amends the RBW framework to clarify that it will relate to building work that is critical to the integrity of a building (eg, its envelope and structure) and that it does not include building work that does not require a building consent. The actual working definition of RBW will be in future regulations.

When the RBW provisions come into effect after 2010, territorial authorities will be required to keep the memorandum on file. The memorandum is required to be provided with a code compliance certificate (CCC) application identifying what RBW the LBP carried out or supervised.

This replaces the previous requirement for LBPs who carry out building work to provide a 'certificate' stating the RBW complies with the building consent. Feedback from the sector, and research carried out by the Department, noted the certificate could result in an (unintended) additional liability on individual practitioners for Code compliance. This was never the intent of the Act, and therefore the 'certificate' has been replaced with a 'memorandum' that simply identifies who has carried out which parts of the RBW, rather than stating the RBW complies with the building consent.

Note that an application for a building consent that includes RBW must still include a memorandum that confirms the plans and specifications (in respect of the RBW) comply with the Code.

BCAs are responsible, under the Building Act, for determining Code compliance. The memorandum provided by LBPs regarding RBW can form part of the 'reasonable grounds' for the BCA to be satisfied building work is Code compliant.

However, the memorandum in and of itself cannot be taken as determining Code compliance.

New grounds of discipline for LBPs include:

- a) failure to provide memoranda with a building consent application or on completion of RBW without good reason (withholding of payment for their services is not a 'good reason')
- b) an LBP falsely claiming to be licensed for particular RBW.

Local authorities may be in a position to identify these disciplinary breaches and report them to the Building Practitioners Board.

### **Product certification scheme**

The Act enables the product certification scheme to commence later this year, by allowing future regulations to provide for the Joint Accreditation System of Australia and New Zealand's (JAS-ANZ's) fees to be calculated on an hourly rather than fixed-only rate. Regulations are now being developed to put the product certification scheme in place. JAS-ANZ was appointed on 31 March 2008 as the product certification accreditation body (PCAB). The scheme is being designed to be consistent with the proposed trans-Tasman 'Codemark' scheme.

BCAs will be able to rely on certified products or processes as automatically having Code-compliant status, so they can speed up the processing of future building consent applications.

### **Building control functions**

The Amendment Act clarifies some building control functions or duties carried out by local authorities.

- Building owners or project managers will be required to make a building site safe before ceasing work if a 'notice to fix' is issued.
- Building owners or other non-technical people will be able to carry out the procedures in a compliance schedule – but only an IQP (independently qualified person) can 'sign off' the Form 12A certificates. This will allow simple procedures such as non-technical 'daily checks' to be carried out by the building owner or their staff.

- Territorial authorities now have an explicit offence provision available if a building owner fails to supply an annual building warrant of fitness (BWoF) in accordance with the timeframe and requirements in section 108(1).
- While most territorial authorities already do this, a new section 104A makes it explicit that they must provide a building owner with a compliance schedule statement when the compliance schedule has been issued, within five working days.
- The status quo is confirmed in terms of the building levy being calculated on a GST-inclusive basis.

### **Accreditation fees**

The Act removes the requirement that all fees must be paid at the same time as the application for accreditation. The Act also provides that fees in any future regulations may be fixed, or calculated with a rate or method – eg, an hourly rate. This allows JAS-ANZ's fee-paying structure to be accommodated so the product certification scheme can proceed.

This change does not affect existing fees regulations in any way, including current regulations under which BCA accreditation fees are paid to IANZ.

### **IQP licensing commencement date**

The Act extends the timeframe for licensing people who are currently known as IQPs by one year. IQPs will need to be licensed as IQPs by 30 November 2010, to carry out certain functions in relation to compliance schedules and BWoFs for buildings with specified systems such as lifts and fire exit systems.

The Department is currently reviewing how to regulate specified system inspection and maintenance personnel and other aspects of the BWoF regime. A discussion document *Moving forward on building inspection and maintenance* was released early in 2007 for public consultation. A summary of the submissions on the discussion document is available on the Department's website.

In the meantime, territorial authorities should continue to accept and withdraw IQPs as being qualified to carry out the inspection, maintenance, and reporting procedures required for a specified system as they did under the Building Act 1991.

## Technical corrections

A large proportion of the Building Amendment Act contains minor or technical corrections to the Building Act 2004 that do not change its underlying policy. Those technical changes include:

- correcting various cross-references to regional authority, territorial authority and BCA roles under the Act – eg, clarifying that private BCAs do not have jurisdiction over dams
- correcting typographical or minor errors – eg, replacing ‘50 years or less’ with ‘less than 50 years’ (buildings with specified intended lives).

## Conclusion

An electronic copy of the Building Amendment Act 2008 and a consolidated version of the Building Act 2004 (updated to include the 2008 changes) are available at the Department’s website ([www.dbh.govt.nz/building-amendment-act](http://www.dbh.govt.nz/building-amendment-act)) or on the New Zealand legislation website [www.legislation.govt.nz](http://www.legislation.govt.nz) Printed copies of the Building Amendment Act 2008 are available from Bennett’s Government Bookshop.

Further articles outlining the amendments were published in the April 2008 issue of Codewords.

## EXTENSION OF THE STATUTORY TIME FRAME FOR ACCREDITATION AND REGISTRATION

Building and Construction Minister Hon Shane Jones announced on 18 May a nine month extension to an existing statutory timeframe for a minority of councils to be accredited and registered as building consent authorities.

Mr Jones said that all councils have made a big effort and he particularly acknowledged the work done by those councils who are accredited and registered, and those who are very close to achieving that status.

‘For the minority of councils who are unlikely to be accredited and registered by 30 June 2008, the extension to 31 March 2009 will give them sufficient additional time to become accredited and registered; or transfer their building control functions to another accredited and registered council,’ he said.

There are a number of now accredited and registered councils who may consider providing support to other unaccredited councils. These alternative arrangements take time to establish. The extension of time enables this to happen.

‘Accreditation and registration is an achievable goal for all councils. A broad cross-section of councils are already accredited and registered, ranging from the largest to some of the smallest rural district councils.’

Mr Jones explained that without an extension of time, councils not accredited and registered could not lawfully continue to grant building consents, carry out inspections or otherwise approve building work. He said this would have major, unacceptable impacts for industry, business, homeowners and communities, as lawful building work in those council districts would grind to a halt.

‘Rather than allowing this unacceptable situation to happen, the Government has taken the practical and pragmatic approach to change the regulatory timeframe,’ he said.

The Minister said that while only a minority of councils will need this extension, it is not possible to say exactly how many, or which, councils won’t be accredited and registered by 30 June 2008. This depends on the outcome of ongoing assessments and the work that individual councils must complete to meet the required criteria and standards.

By 31 March 2009, the Government expects that any council not accredited or registered will have transferred its building control functions to another accredited and registered council.

## **INFRINGEMENT SYSTEM FOR BUILDING ACT OFFENCES**

The Department is developing guidance material for building officials on the implementation of an infringement system being introduced this year to encourage compliance with building control laws and to provide local authorities with a faster and cheaper alternative to court prosecutions.

The infringement system is an instant fine system that will be similar to infringement notices that local authorities can already issue for parking, dog control, litter and Resource Management Act offences.

Regulations for the system, which is provided for in the Building Act 2004, take effect on 1 July 2008. As with other infringement systems, individual councils will decide if and when to implement it.

The regulations are available at <http://www.dbh.govt.nz/bofficials-bca>

The guidance material will assist building officials and their managers to implement the building infringement system. Specific areas that will be covered include an explanation of the infringement system and its objectives, details of the offences and fees, procedures for issuing infringement notices, and options for increasing compliance with the infringement system (for instance, issuing a second notice).

The Department is aiming to have guidance material available in May.

The infringement system targets 22 potentially dangerous offences for which there is not a need to prove intent. Infringement fees range from \$250 to \$2,000, depending on the seriousness of the offence, particularly in terms of health and safety risk. Offences include:

- building, altering, demolishing or removing a building without a consent
- failing to obtain a compliance schedule for a building for which a compliance schedule is required
- not displaying, or displaying a false or misleading, building warrant of fitness for fire sprinkler systems, fire alarms, lifts, cable cars etc

- using or permitting use of a building that is unsafe or insanitary or lacks fire escapes
- not complying with any notice to fix, including a notice to fix a dangerous, earthquake-prone or insanitary building.

The Building Act provides for maximum court fines, and daily fines for certain offences, far higher than those planned for the infringement system. In some cases fines can be up to \$200,000.

If a council felt an offence warranted a bigger fine than was available under the infringement scheme, it could take a court prosecution.

The infringement system was developed by the Department in association with stakeholder groups such as the Building Officials Institute of New Zealand, Local Government New Zealand, the Society of Local Government Managers, the Registered Master Builders Federation, the Ministry of Justice and individual territorial authorities.

Infringement notices will usually not be a surprise to the recipient, given that most breaches of the Building Act are addressed first through a 'notice to fix'. Depending on their size, councils issue between 10 and 300 notices to fix each year.

Compliance with notices to fix ranges between 20 and 50 percent, however only 1-7 percent of cases of non-compliance are prosecuted, due to the time and cost associated with court action.

Councils that decide not to implement the infringement system will still be able to continue to take court-based prosecutions.

Anyone issued an infringement notice will be able to challenge the infringement notice in the same way that people can argue any type of instant fine. The infringement notice will set out their rights.

## LICENSED BUILDING PRACTITIONER PRESENTED WITH HIS LICENCE

One of the first builders to be registered as a licensed building practitioner was presented with his 'licence to build' by Building and Construction Minister Shane Jones on 27 February 2008.



Craig Shorrock receives his licence from Building and Construction Minister Shane Jones

Mr Jones visited Mr Shorrock at a home he is working on in Remuera, Auckland to present him with a Site 2 licence.

More than 9000 application packs have been distributed since the scheme was officially launched on 1 November last year.

The release of the first licence cards is a major milestone for the scheme, which is intended to raise standards and increase consumer confidence in the building industry.

Mr Jones congratulated Mr Shorrock 'for being prepared to stand by his skills and experience so that he receives the recognition he deserves'.

'I encourage other practitioners of whatever level of skill or experience to complete the form of their chosen licence class and to send it in for assessment.

'This scheme will bring designers and builders in line with many other skilled trades and professions, like plumbers, architects and electricians, who already have similar registration schemes. Consumers will know that these people have the skills, knowledge and experience to build and design right first time.'

Mr Jones also encouraged people considering building work on their homes and buildings to start asking their builders whether they are licensed.

'Only in this way can we be sure of building confidence in the sector, and making sure only those who are competent work on our homes and buildings.'

## How the LBP scheme works

The LBP scheme assesses building practitioners against a range of core competencies, such as knowledge of the Building Code.

After November 2010, certain 'restricted work' can only be undertaken or supervised by a LBP. This restricted work will be set down in future regulations.

The scheme aims to improve the quality of buildings and increase consumer confidence by:

- setting national standards of competence for people carrying out core design and building work
- ensuring buildings are 'built right the first time' and that designers and builders are accountable for their work.

There are currently seven licence classes for carpenters, builders, site supervisors, construction managers and designers and draughtspeople.

A complaints mechanism is in place to hold LBPs accountable for their work. Complaints will be investigated by an independent Building Practitioners Board.

LBPs are listed on a publicly accessible Department of Building and Housing register (<http://www.dbh.govt.nz/lbp-register>) to allow consumers to identify them.

Copies of LBP licence information packs are available from the Department, and BCAs are encouraged to have these in their reception areas to encourage practitioners to consider applying.

## GUIDANCE ON ACCREDITATION REQUIREMENTS

### Creating systems linkages

While the regulations setting standards and criteria for accreditation have been written as a sequence, they need to be treated as inter-related within an integrated system. Diagram 1 (on pages 12 and 13) sets out the relationship between regulations 8, 9, 10, 11, 12 and 13 as one example of this.

The diagram also lists some of the issues that need to be considered by the policies and procedures for each regulation and how these inter-relate. For example, before completing a competency assessment, a BCA needs to:

- identify and describe its usual scope of work and skills needed to undertake that work
- identify the staff capability and capacity required to do this work
- devise and record the categories of work that reflect the scope of work a BCA undertakes.

These activities also relate to regulation 8 (ensuring there are enough employees and contractors to perform building consent functions) and will form part of the systems or records required to demonstrate compliance with that regulation.

In another example, the categorisation of building types described above, and the completion of a competency assessment matrix, enables a BCA to allocate work, as required by regulation 9. Once a BCA knows its usual scope of work and has identified its capability requirements, its training needs can be identified – ie, after completing staff competency assessments, actual competencies can be assessed against required competencies. Individual training needs can also be determined from the competency assessment process (regulation 11) or new staff recruited. If a BCA does not have sufficient or suitably competent staff to undertake its building control functions, contractors may need to be engaged (regulation 12). Most BCAs will need to engage contractors for more specialist areas (eg, different types of engineering assessments, and complicated weathertightness issues).

Feedback on competency assessments collated from assessments completed to date indicates that, generally, they lack objectivity and evidence to support the decisions made, are not impartial and lack linkages to building categories and the scope of work undertaken by the BCA.

To address these shortcomings, a BCA needs to carefully plan its competency assessment procedure, ensure that it is evidence-based, record reasons for decisions and, where possible, have the outcomes peer-reviewed to improve their impartiality.

The last two issues of this publication (available at <http://www.dbh.govt.nz/bca-update#december> and <http://www.dbh.govt.nz/bca-update#march-08>) have provided detailed guidance on these processes. In addition, the Department's case advisors can also help BCAs review their systems and ensure the required linkages have been developed.

Technical leaders can also be identified as part of the competency assessment process. Typically, technical leaders will be the most qualified staff members for particular areas or Building Code clauses.

Their expertise should correspond with a BCA's usual scope of work. For example, technical leaders in a metropolitan BCA that undertakes a full scope of work will have to be competent to deal with much more complex consents than their provincial counterparts. In both situations the BCA is likely to need to engage contractors to deal with any competency gaps.

Accreditation assessment teams will look to see if a BCA has identified the linkages described above. BCA staff need to understand the linkages and be able to describe the underlying systems. Case advisors can provide further information, advice and support on this.

### **Effective implementation of regulation 6(a)**

Regulation 6(a) of the Building (Accreditation of Building Consent Authorities) Regulations 2006 requires a BCA to record the means by which it ensures that it effectively implements the policies, procedures and systems required by the regulations. Regulations 6(b), (c) and (d) require a BCA to record its decisions, the reasons for them and their outcomes.

A number of BCAs have decided to use internal audits or process reviews to ensure effective implementation. Despite this, some have still received corrective action requests (CARs) after an assessment, because they have not audited all of the functions their policies, procedures and systems described they do, often focusing only on technical functions set out in regulation 7.

Internal auditing of technical functions such as vetting consents, categorisations and allocation of work, processing consents, carrying out inspections, certification and issuing code compliance certificates and notices to fix is a practical way to show that these functions have been effectively implemented. An internal audit of BCA files may also be the simplest way to show that the filing system meets the requirements of regulation 16.

Other BCA management functions, such as ensuring enough employees and contractors, establishing the competency of staff and technical leaders, training staff, and contracting arrangements may be dealt with by reviewing the appropriate policy and/or procedure and by checking or sighting that appropriate records have been produced through the implementation of the policy or procedure.

For example, regulation 8 requires a BCA to have a system for ensuring it has enough employees and, if not, contractors, to perform its building control functions. The system will describe the method by which this is done and will identify output records such as a staff calculation spreadsheet. The system will also need to describe how staff capacity will be monitored and the records that will be developed as evidence. An example may be a monthly report about building consent processing time against the statutory 20-day processing clock. The system will also identify trigger points for considering the need to use contractors.

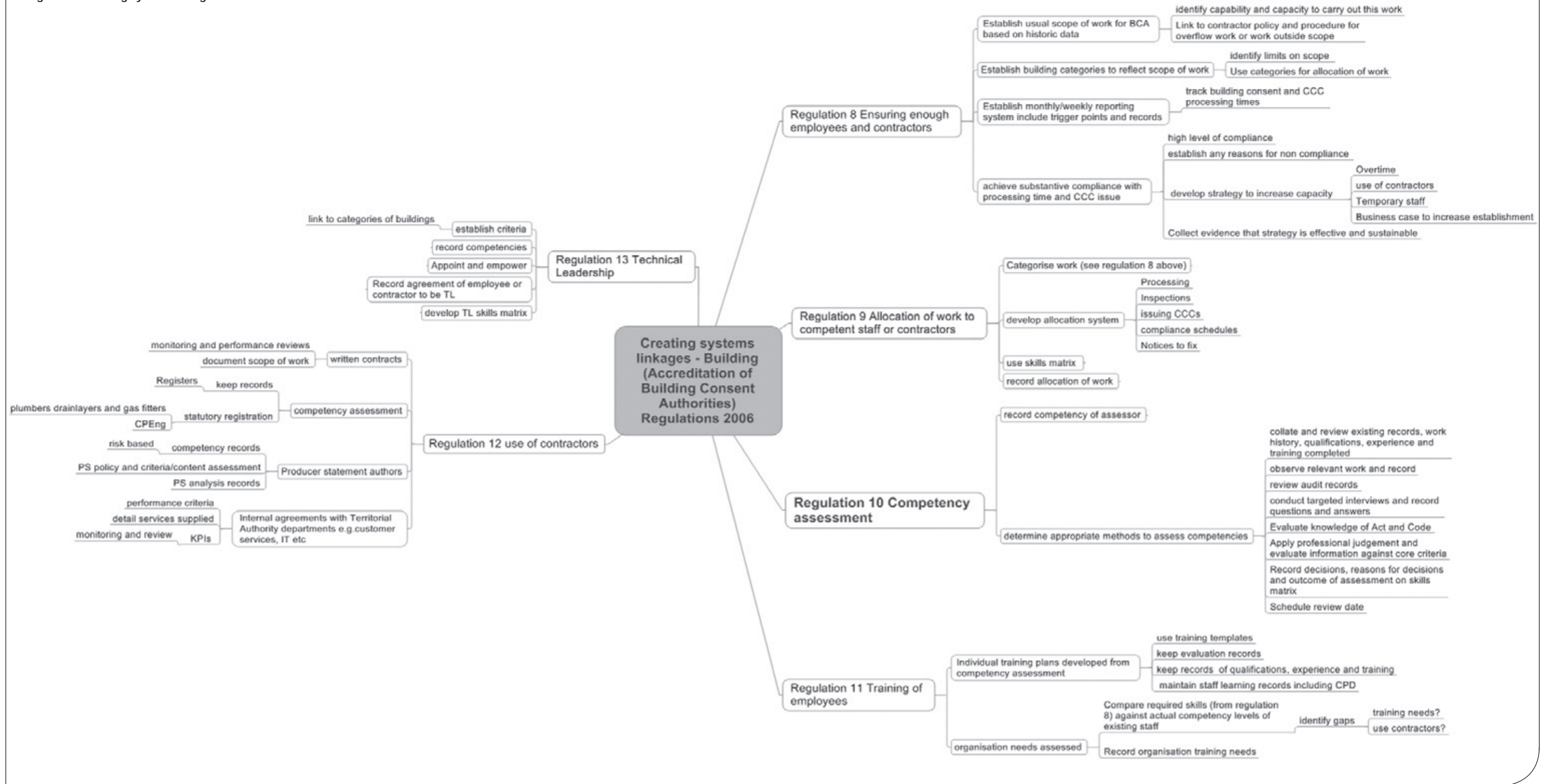
A BCA can demonstrate effective implementation of regulation 8 by reviewing its policy and procedures to ensure they accurately reflect the BCA's practices and sighting the records described above. The BCA will need to record the decision – the system has been effectively implemented, the reasons for the decision, evidence sighted is consistent with the effective implementation of the system and the outcome of the decision – the requirements of regulation 6 (a) have been met. Table 1 overleaf provides an example of a record of effective implementation of regulation 8.

Given the limited investment in the building control sector over previous years, achieving compliance with regulation 8 will, in many cases, require recruitment of additional building officials.

A simple way to file records of effective implementation is to establish a folder with tabs for each regulation. The means of effective implementation (such as the Table 1 example) can be filed immediately under the regulation tab. The evidence reviewed, such as audit records or reports, can also be copied and filed under the appropriate tab. The folder of evidence can then be provided to the accreditation assessment team with all records of implementation in one place.

To assist this process and to spread the workload, an internal audit and review timetable should be developed at the start of each financial year. An example of an audit timetable appears overleaf in Table 2. Case advisors can help BCAs establish an audit system if they have not already undertaken audit training.

Diagram 1: Creating system linkages



**Table 1: Effective implementation of regulation 8**

Accreditation Regulation	System	Where the information can be found in our system (system reference(s))	Means by which effective implementation is ensured	Review date	System effectively implemented Yes/No Provide reason for decision	Name and position of reviewer
<p><b>8</b> Ensuring enough employees and contractors</p>	<p>Procedure for ensuring the BCA has enough employees and/or contractors to perform its building control functions</p>	<p>Policy: 25 staff and contractor resources Staff calculation spreadsheet Monthly management reports</p>	<ol style="list-style-type: none"> <li>1. Review policy 25</li> <li>2. Review copy of staff calculation spreadsheet showing an analysis of the number of staff and contractors required based on the volume and types of consents processed</li> <li>3. Review copy of monthly Management Report Regulation 8 Ensuring enough employees and contractors</li> <li>4. Check that issues identified have been actioned</li> </ol>	<p>18/03/08</p>	<p><b>Decision:</b> Yes <b>Reason for the decision:</b> Initial staff calculation that was completed suggested BCA is under-resourced. Outcome resulted in new appointments being made to increase staff numbers. Directly resulted in BCA consistently achieving greater than 95 percent compliance with statutory time clock for consent processing and CCC issue.</p>	<p>Tim Taylor, QA Manager</p>

**Table 2: Audit and review timetable**

Internal audit/review programme Botany Bay BCA

Year 2008

		J	F	M	A	M	J	J	A	S	O	N	D	COMPLETED	AUDITOR
Accreditation Regulation	System														
<b>7</b>	<b>Building control functions</b>														
	Vetting, categorisation and allocation		A												
	Processing		A												
	Inspections				A										
	CCCs				A										
	Notices to fix					A									
	Compliance schedules					A									
	Customer enquiries							R							
	Complaints							R							
	Public information							R							
<b>8</b>	Procedure for ensuring the BCA has enough employees and/or contractors to perform its building control functions										R				
<b>9</b>	Procedure describing how work is allocated to competent employees or contractors											R			
<b>10</b>	Procedure describing how the competence of an applicant to perform building control functions is established					R									
<b>11</b>	Procedure describing how employees are trained					R									
<b>12</b>	Procedure describing how contractors are chosen and used to perform building control functions							R							
<b>13</b>	Procedure describing how employees and/or contractors who are competent to provide technical leadership are identified					R									
<b>14</b>	System for providing the technical information, technical facilities, and equipment that employees and contractors need to perform building control functions effectively												R		
<b>15</b>	Organisation structure, reporting lines, staff accountabilities, roles, authorities, powers and limitations									R					
<b>16</b>	Records/filing system										A				

A = Audit

R = Review procedures and records

## Information for building consent applicants

Regulation 7 of the Building (Accreditation of Building Consent Authorities) Regulations 2006 requires BCAs to have policies and procedures for performing their building control functions.

One important part of this regulation is that BCAs have to give information to people who want to apply for a building consent (see regulation 7(2)). The regulation emphasises that such consumer information should be in writing. This can be done in a range of ways such as using pamphlets, booklets, newsletters, self-checklists or web-based information.

### Purpose of regulation 7

The purpose of regulation 7 is to help explain the building control process to people, many of whom will not be familiar with how the process works or will not be used to looking at legislation or working with a regulatory process. Developing information to explain building consent processing, inspections and the approval process will help. It will:

- provide a resource to help building consent applicants understand their obligations and get their applications right first time
- assist front counter staff to understand and explain what is wrong with poor applications and cut down the time they need to explain deficiencies in consent documentation
- contribute to increasing the quality of applications, which will help ensure the BCA makes sound and better-informed decisions
- help people to understand the different nature and types of inspections needed during construction work, when these inspections should occur, and how to organise them
- help people to plan and factor in the timing and requirements for approval and inspections of the building work they are commissioning or undertaking.

## Scope of the regulation

The information BCAs need to provide must cover four broad areas:

- how to apply for a building consent
- how an application for a building consent is processed by the BCA
- how building work is inspected once a consent is issued and construction begins
- how building work is approved or certified by the BCA.

BCAs may also need to provide information on a variety of more specific topics, which may depend on the location, size, demographics of their areas and predominant nature and type of building work undertaken in the area. For example, a rural or provincial BCA might process a lot of applications for residential or rural building work (eg, requiring effluent disposal systems). An urban BCA might have a larger and more complex range of work (eg, fire, acoustic and mechanical engineering requirements).

## BCA performance with regulation 7

As with most accreditation requirements, IANZ assessments clearly show that some BCAs are doing extremely well at providing consumer information, while others are finding it more challenging.

For BCAs yet to achieve accreditation and that are still grappling with this issue, there is a wealth of good material that territorial authorities have already developed that can be considered and adapted. Two of those territorial authorities are Rodney District Council and Southland District Council.

Rodney District Council's website has a range of helpful guidance documents for consent applicants. This includes material covering the following issues.

- What is a building consent?
- How much are building consent fees?
- When is a building consent needed?
- Types of activities requiring a building consent
- What is a BCA?
- Applying for a building consent
- How long is a building consent valid for?
- Building inspections
- Compliance schedules and building warrants of fitness
- PIMs
- Fencing of swimming pools

The information can be accessed at:  
[www.rodney.govt.nz](http://www.rodney.govt.nz)

Southland District Council's website includes information on:

- homeowners' responsibilities under the building laws
- when to get a building consent
- how to apply for a building consent
- building consent checklist:
  - certificate of title/Sale and Purchase Agreement
  - specifications of materials and building elements
  - engineers' reports and calculations
  - intended inspections
- producer statements
  - manufacturer specifications for solid fuel heaters plus floor plan
  - water supply details for non-council water supply
  - alternative solutions
  - list of specified systems relating to fire alarm and other life safety devices
  - drawings with attached site plan, foundation plan, drainage plan, floor plan, bracing plan, elevation plan etc
- the amount of detail required for a building consent
- code compliance certificates
- determinations.

This can be accessed at: [www.southlanddc.govt.nz](http://www.southlanddc.govt.nz)

The Department of Building and Housing has also developed a number of guidance documents that BCAs can use and adapt to their own needs. For example, the *Building Consent Authority Accreditation Preparation and Self-Assessment Guide's* appendix contains possible examples of consumer information that BCAs could use to help explain to consent applicants just how to apply for a building consent and what the building inspection process is likely to involve.

This material is included below and is also freely available online at: [www.dbh.govt.nz/pub-bca-accreditation#bca](http://www.dbh.govt.nz/pub-bca-accreditation#bca)

## Example of consumer information about applying for a building consent

Information could be provided to building consent applicants on each phase of the building consent process such as building consent processing, inspections and approvals, and could answer the following questions.

INFORMATION TO BE PROVIDED TO CONSUMERS	
General background information for consumers	<ul style="list-style-type: none"> <li>• What is a building consent (including explanatory notes about project information memoranda and resource consents)?</li> <li>• What is a staged building consent?</li> <li>• When do I need a building consent (eg, what work is exempt, what is a dam, and when does a dam require a building consent)?</li> <li>• What is a PIM?</li> <li>• What is a resource consent?</li> </ul>
Making a building consent application	<ul style="list-style-type: none"> <li>• How do I apply for a building consent?</li> <li>• How much will it cost?</li> <li>• What information is required for a building consent (eg, content and quality)?</li> <li>• How long does it take to process a building consent (include an explanation for the process of stopping the processing clock)?</li> </ul>
Building consents that have been issued	<ul style="list-style-type: none"> <li>• Does a building consent expire?</li> <li>• How will I know what inspections are required and when?</li> <li>• How do I book inspections?</li> <li>• What are conditions of consent and how will I know when these are applied?</li> <li>• Can buildings be occupied before they are finalised?</li> <li>• Can I occupy or sell the building before it is finished (including explanatory notes about certificates for public use and residential property developers)?</li> <li>• What is a code compliance certificate and how do I apply for one?</li> </ul>
Related regulatory processes	<ul style="list-style-type: none"> <li>• What is a notice to fix?</li> <li>• What is a compliance schedule and when do I need one (including explanatory notes about building owner responsibilities and the building warrant of fitness regime)?</li> <li>• What if I am not happy with the process?</li> <li>• What is a licensed building practitioner and do I need one?</li> <li>• What is a determination and how does this process work?</li> </ul>

It is recommended that building consent authorities should include the following information on consent application forms (where relevant).

INFORMATION ON CONSENT APPLICATION FORMS	
General background information for consumers	<ul style="list-style-type: none"> <li>• Relevant information about the owners of the property</li> <li>• Information about the property itself</li> <li>• Description of the work involved</li> <li>• List of parties involved in the work</li> <li>• How to clearly and comprehensively establish the means of compliance</li> </ul>
Mandatory information	<ul style="list-style-type: none"> <li>• Ensure all applications are accompanied with a recent certificate of title (recommended no older than three months)</li> </ul>

It is recommended that building consent authorities should require the following documentation (where relevant).

<b>BUILDING CONSENT DOCUMENTATION</b>	
All buildings	<ul style="list-style-type: none"> <li>• Only work relevant to the building consent application shown on the consent plans and specifications</li> </ul>
New buildings	<ul style="list-style-type: none"> <li>• Site and drainage, floor, cross-sections, elevations, roof framing, bracing, electrical and plumbing</li> <li>• Specifications relevant to the project</li> <li>• Subfloor and wall bracing calculations</li> <li>• Engineering calculations</li> <li>• Supplementary reports such as fire, acoustic, geotechnical and accessibility</li> <li>• Other applicable information such as water meter, drainage video</li> </ul>
Existing buildings	<ul style="list-style-type: none"> <li>• Both the existing and proposed floor plans should be provided</li> <li>• Change of use or alterations should be clearly defined on the plans and the accompanying specifications</li> </ul>

It is recommended that the following level of detail may need to be included (where relevant).

<b>TYPE OF INFORMATION</b>	<b>LEVEL OF DETAIL REQUIRED</b>
Site details	<ul style="list-style-type: none"> <li>• Site plan</li> <li>• Elevations</li> <li>• Cross-section and long-section</li> </ul>
Plan details	<ul style="list-style-type: none"> <li>• Roof framing plan</li> <li>• Foundation plan</li> <li>• Subfloor plan</li> <li>• Floor framing plan</li> <li>• Floor plan</li> <li>• Plumbing and drainage layout</li> <li>• Wall bracing</li> <li>• Internal elevations</li> <li>• E2/AS1 risk matrix</li> <li>• Energy services plan</li> <li>• Accessibility plan – commercial projects only</li> <li>• Emergency services plan – commercial projects only</li> <li>• Construction details</li> </ul>
Other information	<ul style="list-style-type: none"> <li>• PIM (a territorial authority function)</li> <li>• Compliance schedules</li> <li>• Producer statements for design</li> <li>• Project-specific design calculations</li> <li>• Design reports</li> <li>• Project-specific specifications</li> <li>• List of building professionals involved in the project</li> <li>• Notification of licensed building practitioners</li> <li>• Resource consent (a territorial authority function)</li> </ul>

## Example of possible consumer information about the inspection process

BCAs could provide the applicant with a project-specific list of inspections, information to explain the inspection process, and an explanation of the building consent authority's expectations for each particular inspection.

### Information to explain the inspection process

APPLICANTS WILL NEED TO KNOW THE FOLLOWING INFORMATION TO EXPLAIN THE INSPECTION PROCESS:	
Booking inspections	<ul style="list-style-type: none"> <li>The level of information required when booking an inspection (eg, project address, building consent number)</li> <li>When to book an inspection</li> <li>How to book an inspection</li> <li>How much notice is required</li> <li>What inspections are required</li> </ul>
During inspections	<ul style="list-style-type: none"> <li>What safety equipment will be required for inspection purposes</li> <li>What information should be available or provided for each inspection</li> <li>Who should be on-site at the time of the inspection</li> <li>How the outcome will be recorded</li> </ul>
Related matters	<ul style="list-style-type: none"> <li>What the conditions of the consent are</li> <li>The complaints and appeal process</li> </ul>

To assess whether Code compliance has been achieved on site, it is recommended that the building consent authority consider whether the following inspections may be required.

IF THE CONSENT COVERS:	INSPECTION REQUIREMENTS (WHERE RELEVANT):
Foundation work	<ul style="list-style-type: none"> <li>Siting</li> <li>Strip footing</li> <li>Underpinning</li> <li>Pile hole(s)</li> <li>Foundation slab</li> <li>Masonry block work</li> <li>Basement or deck tanking/waterproofing application</li> </ul>
Structural, external cladding, or internal lining work	<ul style="list-style-type: none"> <li>Roof framing/pre-wrap</li> <li>Pre-cladding</li> <li>External cladding installation</li> <li>Brick veneer/masonry</li> <li>Pre-line building</li> <li>Pre-line (insulation) in place and building closed in</li> <li>Fire proofing</li> <li>Post-line</li> <li>Wet area taking or waterproofing application</li> </ul>
Decks or stairways	<ul style="list-style-type: none"> <li>Decks, parapets and internal gutters</li> <li>Barriers and handrails</li> </ul>
Plumbing or drainage	<ul style="list-style-type: none"> <li>Pre-line plumbing</li> <li>Internal gutters on decks</li> <li>Drainage</li> </ul>
Commercial projects	<ul style="list-style-type: none"> <li>Pre-line accessibility</li> <li>Final accessibility</li> <li>Final fire compliance</li> </ul>
General matters	<ul style="list-style-type: none"> <li>Final building</li> <li>Final weathertightness</li> <li>Documentation</li> </ul>

The above lists are guidance only and are not exhaustive, but are typical of the type and nature of inspections being undertaken by effective BCAs around the country. There may be other inspections that a BCA considers necessary but that are not identified here. BCAs should implement systems for the provision of consumer information appropriate to the level and type of building control work they undertake in their jurisdiction.

### 30,000 building consent guides distributed

The Department is reminding people involved in building and construction of its very popular *Guide to applying for a building consent (simple residential buildings)*.



More than 30,000 copies of the guide have been distributed since it was published in January 2007 and there have been more than 6000 downloads of the website version.

The guide targets homeowners, designers, builders, project managers, developers and building officials, and other members of the construction industry such as product manufacturers, sub-contractors and technical service providers.

It explains the issues to consider when applying for a building consent, and describes the *minimum* documentation requirements for a building consent application to demonstrate compliance with relevant clauses of the Building Code. The guide also has sample drawings and construction details, and a design summary check sheet.

The Department encourages BCAs to keep a stock of these guides at their reception counters and use them to help educate and explain consent documentation requirements.

Free copies of the guide are available from the Department by emailing [libby.macdonald@dbh.govt.nz](mailto:libby.macdonald@dbh.govt.nz). A web version is also available online at [www.dbh.govt.nz](http://www.dbh.govt.nz)



Department of  
Building and Housing  
*Te Tari Kaupapa Whare*



## **Are you a building control expert?**

Would you or your organisation like:

- some paid time away to learn about how other building control systems work?
- an opportunity to contribute to improving building controls throughout New Zealand?

The Building Act 2004 established accreditation and registration of building consent authorities as a two-stage process for ensuring that such organisations meet appropriate technical standards, are competent to perform certain tasks, are 'fit and proper' and operate their businesses in a way that provides a higher standard of consumer protection. The Building (Accreditation of Building Consent Authorities) Regulations 2006 prescribe accreditation criteria and standards that must be met by all building consent authorities.

International Accreditation New Zealand (IANZ) has been appointed by the Chief Executive of the Department of Building and Housing as the Building Consent Accreditation Body. IANZ seeks suitably qualified and experienced people to join a pool of 'technical experts' that may be called upon to assist with assessments of one or more territorial and regional authorities and private organisations that apply for accreditation.

Accreditation is a specialised activity. It involves a team of expert assessors who review documents, make site visits of completed buildings, interview people and prepare reports. An assessment team will consist of a lead assessor who has management systems expertise and technical experts. The technical experts will have detailed knowledge and experience of the Building Act, Building Regulations, Building Code and building control systems, policies and procedures.

For more detail on accreditation procedures please refer to the IANZ publication *Procedures and conditions of accreditation* which is available at [www.ianz.govt.nz](http://www.ianz.govt.nz). For more detail on the building consent authority accreditation scheme refer to [www.dbh.govt.nz](http://www.dbh.govt.nz)

All technical expert assignments will be for a relatively short period. You will not be required to be away from your other work for more than a few days at a time. You, or your employer, will be well-paid for the time you spend as a technical expert (plus actual and reasonable expenses).

Technical experts must be able work quickly and efficiently under pressure in a supportive team environment, as well as having the following key attributes:

- Appropriate qualifications, skills and experience corresponding to industry good practice
- Knowledge, skills, and practical experience to be able to adequately assess, recognise, and respond appropriately to any technical issue likely to arise in the course of an accreditation assessment

Please refer to the technical expert specification opposite and send IANZ a completed application form and supporting information explaining how you fit the specification.

Please send the application form and supporting information to:

Geoff Hallam  
Programme Manager – Inspection Body Accreditation  
International Accreditation New Zealand  
Private Bag 28908, Remuera, Auckland 1136  
Email: [ghallam@ianz.govt.nz](mailto:ghallam@ianz.govt.nz)



An **accreditation technical expert** must have sufficient knowledge, skills, and practical experience to be able to adequately assess, recognise, and respond appropriately to any technical issue likely to arise in the course of an accreditation assessment.

### Technical Expert Specification

#### Introduction

An accreditation technical expert must have sufficient knowledge, skills, and practical experience to be able to adequately assess, recognise, and respond appropriately to any technical issue likely to arise in the course of an accreditation assessment. As such, the technical expert's qualifications, skills and experience must correspond to industry good practice and to the needs of IANZ as the Building Consent Accreditation Body.

#### Responsibilities and key tasks of the technical experts

The responsibilities (and restrictions on such responsibilities) and key tasks of technical experts shall be in accordance with the relevant and current IANZ technical guidance publication for accreditation assessors.

#### Qualifications and skills

The qualifications and experience required of a technical expert must be directly relevant and appropriate to the work in which they are engaged. A technical expert must be able to meet the following criteria to the satisfaction of the IANZ and the Department of Building and Housing before being appointed as a technical expert.

#### Relevant experience

A technical expert must have the following experience:

- Relevant and current experience in building controls (at least five years working in this field).
- Previous experience in the building industry (eg. working as a building constructor, architectural designer, quantity surveyor, building surveyor, project manager, foreman).
- Previous senior responsibility for building control and compliance decisions including day-to-day technical involvement in consent processing, inspection work and review, sign-off and approval of building consents, code compliance certificates, compliance schedules, and/or notices to fix.
- Previous practical ability to effectively perform, process, and approve building consents and undertake credible inspections and to adequately record observations.
- Previous experience working with quality assurance management systems and processes.

#### Knowledge, skills, and technical competence

A technical expert must have a comprehensive knowledge of the:

- Relevant technical requirements of building consents being processed, inspected, signed off, and approved and the significance of any noted observations.
- Relevant legislation, specifications, and other reference documents (eg. Building Act 2004, Building Regulations, the Building Code, other related legislation such as the Local Government Act 2002, and the Resource Management Act 1991, the Fire Service Act, relevant standards, manufacturer's instructions, technical literature, product appraisals, etc).
- Quality assurance system principles and the application of these to building consent authority systems.
- Prescribed standards and criteria regulations for accreditation as a building consent authority.
- Duties and responsibilities of a technical leader/manager, quality assurance manager, building official and trainee building official.

A technical expert participating as a member of an accreditation assessment team must also have:

- The ability to identify the types of technical compliance non-conformances able to be found in a building consent authority's systems, policies and procedures.
- The ability to comprehensively document and record findings and decisions.
- Sound judgement in evaluation of findings.
- A demonstrated ability to:
  - think and plan strategically;
  - produce high quality work under pressure;
  - effectively manage time and demanding workloads;
  - effectively communicate (by both oral and written means) and work with a range of people from different organisations and cultural backgrounds; and
  - work effectively, either independently or as a member of a team.

#### Formal qualifications

It is desirable that a technical expert has appropriate formal qualifications in subjects related to building control (eg. a National Trade Certificate or National Diploma in building-related fields such as carpentry, architectural design, quantity surveying or plumbing and drainage, or relevant Bachelor degree qualifications in Construction Management, Project Management, Engineering, Building Science, Architecture, or Building Surveying).

#### Continued professional development

A technical expert engaged by IANZ on an ongoing basis must maintain an appropriate level building control and building compliance/science continuing professional development each year. Technical experts must stay abreast of changes within the regulatory environment, and with any significant changes to building construction practices and building compliance requirements.

## **FURTHER INFORMATION**

Further information about the Building Consent Authority Accreditation and Registration Scheme is also available on the Department's website – [www.dbh.govt.nz/bofficials-bca](http://www.dbh.govt.nz/bofficials-bca)

Further information about IANZ is available at [www.ianz.govt.nz](http://www.ianz.govt.nz)

Information about BCA accreditation, including an accreditation resource kit, is also available at [www.lgnz.co.nz/projects/building-consent/](http://www.lgnz.co.nz/projects/building-consent/)

For general enquiries about the Building Consent Authority Accreditation and Registration Scheme or case advisor support, please contact one of the following people at the Department of Building and Housing.

### **Building Consent Authority Accreditation and Registration Project**

Consent Authority Capability and Performance Group  
Department of Building and Housing  
PO Box 10-729, Wellington  
Telephone: 0800 242 243

#### **Malcolm MacMillan**

Manager Consent Authority Capability and Performance  
[malcolm.macmillan@dbh.govt.nz](mailto:malcolm.macmillan@dbh.govt.nz)

#### **Andrew Minturn**

Senior Advisor and Case Advisor BCA Accreditation and Registration  
[andrew.minturn@dbh.govt.nz](mailto:andrew.minturn@dbh.govt.nz)

#### **Steve Garner**

Project Manager and Case Advisor BCA Assistance Package  
[steve.garner@dbh.govt.nz](mailto:steve.garner@dbh.govt.nz)

#### **Peter Sparrow**

Senior Advisor Performance Monitoring and Review  
[peter.sparrow@dbh.govt.nz](mailto:peter.sparrow@dbh.govt.nz)

For specific enquiries about applying for accreditation, accreditation assessments, the accreditation assessment process and scheduling, accreditation fees, corrective actions and how to interpret them, or the standards and criteria for accreditation, please contact:

International Accreditation New Zealand (IANZ)  
Private Bag 28-908,  
Remuera, Auckland  
Telephone: (09) 525 6655

#### **Elizabeth Stevens**

Accreditation Coordinator  
[estevens@ianz.govt.nz](mailto:estevens@ianz.govt.nz)

#### **Geoff Hallam**

Programme Manager Inspection Body Accreditation  
[ghallam@ianz.govt.nz](mailto:ghallam@ianz.govt.nz)

#### **David Sidwell**

Accreditation Officer  
[dsidwell@ianz.govt.nz](mailto:dsidwell@ianz.govt.nz)

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[castbury@ianz.govt.nz](mailto:castbury@ianz.govt.nz)