



Building consent authority update

April 2010



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APPLICATIONS OF SECTION 363 OF THE BUILDING ACT 2004 – CERTIFICATES FOR PUBLIC USE – TO PRE-2005 BUILDING WORK

In February the Chief Executive of the Department wrote to all building consent authorities letting them know that the Government has decided to review the application of Section 363 of the Building Act 2004 to building work undertaken between 1 July 1992 and 31 March 2005.

This decision has been made as part of the review of the Building Act that is under way.

As you will be aware, under Section 363B of the Building Act, premises that are open to or are being used by members of the public that had building work undertaken between 1 July 1992 and 31 March 2005, for which a building consent was required but no code compliance certificate has yet been issued, require by 31 March 2010 a:

- code compliance certificate (if the work is now completed and compliant)
- certificate of acceptance (if no building consent was obtained i.e., illegal building work undertaken)
- or a certificate for public use (if the work has not been completed) by 31 March 2010.

Any person who owns, occupies or controls such premises and fails to comply with this requirement by 31 March 2010 will be committing an offence.

The Building Act review has identified, in discussion with local authorities, several issues with this requirement and its implementation, including that:

- while the policy intent of the requirement is to identify and remedy any non-compliant building work that poses a risk to public health and safety, in practice it appears to be too broad and has the potential to include building work where there is no risk to public health and safety
- there may be several thousands of owners of public premises who will be in breach of the requirement by 31 March 2010 due to no awareness of the requirement. It is unlikely that most of those premises pose an immediate risk to public health and safety.

The Government considers this requirement may not be the best way of addressing the underlying risk to public health and safety from pre-2005 building work that does not have a code compliance certificate.

Because public health and safety is a priority, the Government has decided that further work should be done to determine the best solution.

To this end, it has directed the Department of Building and Housing to review the application of Section 363 to pre-2005 building work carried out in buildings open to or that are being used by members of the public. This will include considering an effective means of identifying and addressing non-compliant and dangerous building work carried out between 1 July 1992 and 31 March 2005, and reporting back by the end of June 2010. The Department has appointed an independent person with appropriate experience to undertake this review.

The Government expects that any solution will require an amendment to the Building Act, and that is likely to happen alongside other amendments arising from other aspects of the Building Act review, in the second half of this year.

There is not sufficient time to review and potentially amend Section 363B before 31 March 2010.

The Department of Building and Housing recommends that local authorities take into account the Government's stated intention to conduct this review when considering what, if any, compliance and enforcement activity you may undertake in relation to section 363B, and that you focus on any clearly identifiable and significant risks to public health and safety.

There is no intention to change the requirement for Certificates for Public Use to be issued for new building work. This remains a useful tool for current and future work.

As you are aware, territorial authorities have powers to take action where there are dangerous, insanitary or earthquake-prone buildings. These provisions are not subject to review, but the independent review will consider whether they are sufficient to deal with the risk that applying Section 363 to pre-2005 building work was designed to address.

The independent review will be conducted at the same time as consultation on other proposals for reform of the Building Act.

The Department will let BCAs and the rest of the sector know who will conduct the independent review. If you have any questions about this issue please do not hesitate to contact the Consent Authority Capability and Performance Group on (0800) 242 243 or email info@dbh.govt.nz.

BUILDING ACT REVIEW QUESTIONS AND ANSWERS

What is the Building Act Review?

The Government wants to reduce building and construction costs without compromising quality. A review of the Building Act, started in August last year, is aimed at achieving that goal. The terms of reference are available at www.dbh.govt.nz/buildingactreview.

This review is part of the *Better Building Blueprint*, a series of measures that will make it easier and cheaper to build good-quality homes and buildings.

In the first phase of the review, the Department of Building and Housing worked with representatives of the building and construction industry, local authorities and home owners to identify what could be done. They found that there have been much-needed improvements in the quality of building work since the Act was introduced in 2004, but the system was more costly than necessary and less efficient and effective than it could be.

The second phase of the review is to consult on proposals to update the system.

What's happening now?

We are consulting on a package of proposals for amending the Building Act. The proposals are set out in the discussion document called *Cost-effective quality: next generation building control in New Zealand*

This document was published on 26 February 2010 and consultation is open until 23 April 2010.

Where can I get the discussion document?

You can download it from the Department of Building and Housing website at www.dbh.govt.nz/consulting-on-building-act

You can get a copy from the Building Act Review programme office located at the Department

Copies have been provided to the Department's Contact Centre on Monday 1 March.

External people can ask to get a copy sent to them by emailing buildingactreview@dbh.govt.nz or by phoning 0800 242 243.

How can I make a submission?

We are encouraging people to make submissions online at www.dbh.govt.nz/consulting-on-building-act.

You can also email us with any comments at buildingactreview@dbh.govt.nz.

You can use the Feedback Form in the discussion document (page 49) or write a submission, and post or fax it to us.

Where can I find out more?

Visit the main website page www.dbh.govt.nz/consulting-on-building-act to find the discussion document, the Minister's media release and the Cabinet paper.

What are the main proposals?

Broadly, it's proposed that the amount of checking and control by councils should be in proportion to the risk and complexity of the building work and the skills and capability of the people doing the design and building work. The people doing the work would take more responsibility for building it right first time, backed up by a written contract. The key proposals are as follows:

Moving to a more balanced building consent system

- lowest-risk building work (such as a basic shed or a low deck) would not need a building consent
- low-risk building work (such as a simple, one-story house) would go through a quicker, simpler consenting process with fewer council inspections and more reliance on the skills of licensed building practitioners to get it right first time
- high-risk, more complex houses would continue to go through the current approval and inspection process
- complex, major commercial building work would go through a simpler process than it currently does, recognising the experience and skills of those involved and that commercial contracts for major projects include quality control.

Rebalancing responsibility

- building professionals and tradespeople would take more responsibility for making sure their work meets Building Code requirements. Licensing of building practitioners will identify those with the relevant skills.

Better tools for consumers

- homeowners will be better equipped to hold building contractors to account, with more information and mandatory written contracts setting out what is expected, how any faults would be fixed, how disputes would be resolved and details of financial backing (surety).

Related improvements

- making sure the fundamental elements of the system the Building Code and the purpose and principles of the Building Act – are clear
- exploring ways of making the administration of the system more cost-effective
- simplify processes to review the fire safety of building plans and the inspection and maintenance of essential systems such as fire sprinklers and lifts
- examining whether the building consent system is the best way to regulate public infrastructure works such as bridges and tunnels.

When will these changes be made?

These proposals are up for discussion and open to change. After the end of the consultation period (23 April), the Department will report back to Cabinet with recommendations for amending the Building Act. Cabinet is expected to make decisions at the end of June. Legislation will then go through the Parliamentary process including Select Committee hearings before changes are implemented, probably sometime in 2011.

What would this mean for Building Consent Authorities?

If the Government puts all the proposed options in place, as they are currently described, we would expect the number of building consents and inspections to drop by 10 to 15 percent nationally. For some individual consent authorities the percentage for their individual organization will be higher.

The Government is interested in finding improvements to the way building consent functions are administered across the country to reduce costs and improve efficiency and consistency.

The Minister has indicated he has an open mind on the way forward.

The Department will be taking on board feedback from the consultation process and working with

local government to develop some options for the Government to look at in June.

What would this mean for builders and other tradespeople and building professionals?

In some circumstances, licensed building practitioners and other building professionals would be responsible for ensuring their work meets the Building Code, rather than totally relying on councils to do this. For more about licensing see www.dbh.govt.nz/lbp.

In the residential sector, the principal building contractor would be required to have a written contract with the consumer, including what will be delivered, what is covered by warranty (guarantee), what financial backing (surety) exists (if any) to back up the warranty, and how any disputes will be resolved.

The Registered Master Builders Federation and the Certified Builders Association New Zealand already offer standard contracts and guarantees and have surety backing for their members.

This package of proposals is expected to motivate building professionals and tradespeople to step up to the responsibility of building it right first time, and over time we would expect to see better quality and more innovation.

What would this mean for people commissioning residential building work/homeowners/consumers?

Homeowners commissioning building work would be well informed about the consequences of their decisions; for example, if they agreed to hire a builder without a written contract, or warranty or surety provisions, they would know that it may be more difficult to get any problems fixed.

Mandatory written contracts would make it quicker and easier to get faults fixed, with less likelihood of ending up in court.

Would people still be able to do building work themselves?

Yes but they would have to let subsequent buyers of the property know. This already applies if a DIYer wants to do restricted building work under the licensing regime. See www.dbh.govt.nz/lbp-faqs-restricted-building-diy

Is this simply a cost-cutting exercise?

No, it is about getting a better balance between regulation and risk, making sure the responsibility for quality is clear and rests with those best placed to influence quality, and making sure residential consumers are properly equipped to act with confidence when purchasing building work.

What is the Better Building Blueprint?

It is an umbrella term for a series of initiatives that will make it easier and cheaper for New Zealanders to build good-quality homes and buildings.

It includes:

- streamlining licensing
- MultiProof approvals
- the Building Act Review
- a Simple House Acceptable Solution

It is also likely to include other initiatives the Department is working on that also contribute to better building safety and quality.

CODE COMPLIANCE CERTIFICATE (CCC) REQUIREMENTS

There is a common misunderstanding among a number of BCA building officials that home or building owners need to apply for a code compliance certificate (CCC) within two years of the building consent being granted. This is not actually correct.

Under the Building Act 2004, owners are required to apply for a CCC as soon as reasonably practicable once all building work under a building consent has been completed, and there is no set time period within which building work must be completed.

However, if a BCA does not receive an application for a CCC within two years of the relevant building consent being issued, **the BCA** is required to begin the process of deciding whether or not a CCC can be issued at this time. The BCA and the owner can agree to extend this two-year time period. Once the BCA begins this process, it has 20 working days to make its decision.

The owner and the BCA can negotiate an extension to this period.

This means it is good practice for BCAs to adopt a proactive approach and follow up any building work without a CCC that is nearing the two-year

time frame. This is also in line with accreditation requirements for BCAs to have policies and procedures for issuing and refusing to issue CCCs.

There is also a statutory obligation for BCAs to make timely decisions on CCCs; they need to decide whether to issue a CCC within 20 days of receiving an application or the two year timeframe.

A BCA does not have the power to require owners to apply for a CCC within two years as a condition of granting the building consent.

A BCA does not have the power to refuse to issue CCCs purely on the ground that the building work was completed more than two years after the granting of the building consent or an agreed extension to this period. Refusing to issue a CCC should always be based on the requirements of Section 94 of the Building Act 2004: Matters for consideration by a BCA in deciding the issue of a CCC, which include:

- the building work complies with the building consent
- if a compliance schedule is required as result of building work, the specified systems in the building are capable of performing to the performance standards set out in the building consent
- whether a building method or product that is subject to a current warning or ban has been used in the building work
- failure to supply an energy work certificate
- outstanding payment of the development contribution.

The Department has issued a determination in favour of an owner after a BCA refused to issue a CCC, No. 2008/40: Refusal to issue a code compliance certificate for a farm shed because the building consent was more than two years old.

Transitional requirements under the Building Act 2004

For CCC applications made after 31 March 2005 for building work carried out under the 1991 Building Act, the following rules apply.

- the BCA must only issue a CCC if satisfied that the completed building work complies with the Building Code that applied at the time the consent was granted (see section 436)
- interim CCCs no longer exist.

Four possible scenarios relating to the timing of decisions on CCCs by BCAs under the Building Act 2004 are as follows:

Scenario 1:

An owner completes building work and applies to the BCA for a CCC within two years of building consent approval.

The BCA has 20 working days to make a decision on whether or not it can issue the CCC.

Scenario 2:

An owner of a building has not applied for a CCC and it is almost two years since the building consent was granted.

The BCA inspects the building within the two-year timeframe and determines that the work has been completed in line with the building consent.

The BCA has 20 working days from the expiry of the two-year timeframe to decide whether to issue a CCC.

Scenario 3:

An owner of a building has not applied for a CCC and it is almost two years since the building consent was granted.

The BCA inspects the building or contacts the owner within the two-year timeframe and determines that building work has not been completed to the extent required by the building consent.

The BCA then needs to agree with the owner on a further period for the completion of the building work. This process can be repeated if necessary.

Scenario 4:

An owner of a building applies for a CCC more than two years after the consent was granted.

The BCA has 20 working days to make a decision on whether or not to issue the CCC.

APPLYING WAIVERS AND MODIFICATIONS UNDER THE ACT

Waivers and modifications that are provided for under Sections 67-70 of the Building Act 2004 are an opportunity to get good outcomes for all parties in the consent process.

This article offers some guidance on points for building officials in territorial authorities (TAs) to consider when approving building consents

subject to a waiver or modification of the Building Code. Codeword's publication No. 39 pages 7-8 also provide further detail on this topic.

Waiver example

A waiver applies when a TA considers and waives the requirement to comply with certain aspects of the Building Code. For example, an apartment building complex has shared underground car parking, with each car park unit titled to an individual apartment. As separate tenancies, each car park might need to have its own fire wall separating it from adjacent car parks. For practical reasons, and due to the lower risk of spread of fire, the fire design and building consent application proposes a waiver to the requirement under Building Code Clause C3 'Spread of Fire' for these unit-titled car parks. The TA could, and often does, waive the requirement in these situations.

Modification example

A modification applies when a performance requirement of the Building Code is modified to meet the functional objectives.

For example, an owner applies for a code compliance certificate (CCC) for a building completed a number of years after the building consent was approved. The performance requirements under Code Clause B2 'Durability' may not be met for the full 15 years from the issue of the CCC, so the TA could agree with the owner to modify this requirement to run from a different date. This would require an amendment to the original building consent under section 45(4) of the Building Act 2004. This way the objective and functional requirements could still be satisfied (recent determinations on weathertightness issues give more detail on how this can work and what is required).

A waiver or modification of the Building Code may be subject to any conditions that the TA considers appropriate. It is also helpful if the applicant signals early on that they intend to apply for one, so it would be good practice to enable that intention to be flagged early in the process.

While waivers and modifications can sometimes be complicated it is important to get it right as they can contribute, if used properly, to a more sensible application of the rules.

A TA that grants a waiver or modification must notify the Chief Executive of the Department of Building and Housing. This is so the Department can monitor the trends and issues arising over time to determine whether the Building Code might need changing in a particular area. A TA

cannot grant a waiver or modification if it relates to access and facilities for people with disabilities.

For further guidance and advice on waivers and modifications and other Building Act and Regulation issues, feel free to call the Department's Consent Authority Capability and Performance

Group helpline on 0800 242 243 or email info@dbh.govt.nz, attn: Consent Authority Capability and Performance Group.

LEARNINGS FROM THE DEPARTMENT'S TECHNICAL REVIEW PROGRAMME

An update of the Department's technical reviews, some key findings and learnings, and how local authorities and the building industry can benefit.

What is a technical review?

A technical review is a formal performance assessment by the Department of Building and Housing of territorial authorities' (TAs) or Building Consent Authorities' (BCAs) performance of their building control functions. Review findings help TAs or BCAs to:

- enhance their building control activities
- put in place appropriate systems, processes and resources so they can carry out building control operations effectively
- fulfil their obligations under the Building Act 2004 (the Act) and Building Regulations.

Technical reviews do not evaluate the performance of individual building control staff, nor do they assess the TA or building consent authority (BCA) against a particular business model or measure their performance against other TAs or BCAs.

They are part of the Department's programme to improve the implementation of local and national regulatory building controls under the Act. The aim is for greater efficiency, standardisation, consistency and performance improvements, better compliance, and enhanced consumer protection and confidence in the regulatory system.

History of technical reviews

The Department has carried out technical reviews since it was set up in November 2004. The former Building Industry Authority also undertook reviews under the Building Act 1991.

What is their legislative basis?

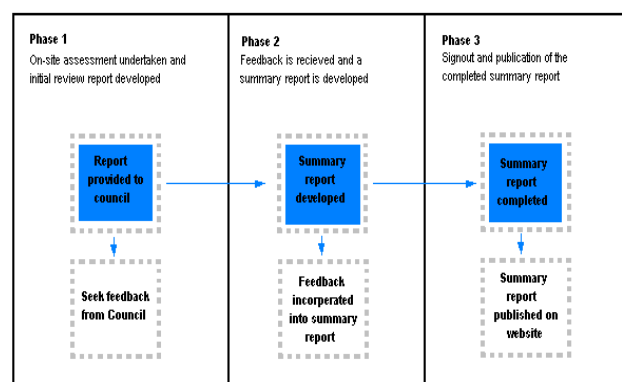
Sections 204(1)(b) and 276 of the Act provide for technical reviews. It is a function of the Department to ensure TAs and BCAs are exercising their powers and performing their functions under the Act, including BCA functions.

Who does the technical reviews?

The Department's Consent Authority Capability and Performance Group is responsible for performing technical reviews. Within this group the Performance Monitoring and Review team carry out on-site reviews and develop the reports. The Group's broad functions include:

- monitoring, reviewing and improving performance outcomes of the regulatory building control system
- managing and strengthening relationships with BCAs, TAs, regional authorities (RAs) and other key industry stakeholders
- sharing helpful ideas and best-practice processes to help achieve an effective and nationally consistent building control system
- assessing the ability of TAs and BCAs to effectively fulfil their statutory requirements under building law
- providing advice and guidance to BCAs, TAs and RAs.

Figure 1 shows the three phases of the technical review process from the initial on-site assessment through to publishing the final summary report*.



The focus of recent reviews

The Performance Monitoring and Review team has recently reviewed ten TAs. The team particularly looked at the systems and processes TAs use for compliance schedules, specified

* For in-depth process analysis of technical reviews go to: <http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Technical-Reviews/review-process.pdf>

systems and monitoring building warrants of fitness (BWoFs).

Industry experts and earlier reviews had identified these matters as requiring significant improvement. The aim was to highlight where their management needed to be strengthened.

Common areas included:

- councils need to ensure designers submit plans and specifications with building consent applications that consistently include the inspection, maintenance and reporting procedures for any proposed specified systems
- councils need to be satisfied that proposed specified systems comply with the Building Code prior to granting a building consent
- councils need to state clearly in the approved building consent, what third-party verification/certification documentation was required to be submitted post-installation of specified systems in order to issue a code compliance certificate
- building owners need to ensure compliance schedules are kept in the location stated on the BWoF
- designers and councils often described the type of specified system contained in a compliance schedule in generic, rather than in site-specific terms
- compliance schedules need to show the location of specified systems within the building. Independent qualified persons (IQPs) and council officers inspecting BWoFs often found it difficult to locate some specified systems
- inconsistencies in issuing certificates for public use (CPUs) for buildings intended to be open to the members of the public, prior to issuing the code compliance certificate (CCC). These inconsistencies were in not following the statutory timeframes associated with the CPU process, or not entering an expiry date as a condition of the certificate's issue
- councils varied considerably in the number of buildings they were inspecting that contain specified systems, compliance schedules and BWoFs
- councils need to clearly identify the relevant performance standards for specified systems in the compliance schedule and building consent. Documentation often omitted the edition or year of the performance standard

- councils, designers and IQPs often misunderstood what is, and what is not, a specified system
- building owners, managers and tenants were often unaware of their responsibilities and legal obligations to inspect and maintain certain specified systems.

The Department has published the recently completed review reports on its website at www.dbh.govt.nz/technical-reviews. These analyse in detail each TA's processes, and performance for administering the compliance schedule and BWoF system in their area. The reports include recommendations for key issues and the TA's response for addressing them. Some TAs also provided comments about their experience of the review process.

With similar issues identified throughout the country, many of the findings will be useful to other TAs. The Department encourages all TAs to adopt the reports' best-practice advice and recommendations. They are also relevant to the wider building sector, including designers, IQPs, specified system installers and technicians, accredited inspection bodies and building owners.

A Summary of Findings report for all technical reviews from the 2008/2009 financial year is also published on the Department's website www.dbh.govt.nz/technical-reviews

The Department appreciates the cooperation and support of building officials in the TAs reviewed and values their input into the written reports. This is crucial to ongoing performance improvements in the sector.

Many TAs involved in the recent reviews have commented that the recommendations provided clarity and a useful foundation to build on, particularly in compiling quality site-specific compliance schedule documentation.

For further information and guidance on compliance schedules, specified systems and building warrants of fitness, please go to:

- www.dbh.govt.nz/bomd-buildings-with-compliance-schedules
- www.dbh.govt.nz/UserFiles/File/Publications/Building/Building-Act/Compliance-Schedule-Handbook.pdf

FOCUS ON IMPROVING BUILDING CONSENT DOCUMENTATION

It is important that building consent authorities (BCAs) have sound systems and procedures at the front counter when receiving and vetting

building consent applications. Designers, builders and other consent applicants need to supply good-quality consent documentation, with adequate detail and information to establish Building Code compliance.

The quality of building consent documentation directly affects the timeliness of consent processing, and the quality and rigour of the compliance checking that follows. Incomplete or substandard documentation fed into a BCA's system usually results in delays and complications for processing staff. This can lead to time-consuming requests for further information.

While timelines are important, the greatest risk to a BCA, and ultimately to the building owner, is if the BCA accepts substandard or incomplete building consent documentation and bases its approval for an application on this documentation. The BCA needs clear and concise information to make an informed decision about whether to grant and issue a building consent.

More compliance focus at the consent processing stage

The Building Act 2004 introduced a change to the building consenting and inspection process from the former Building Act 1991. The 2004 Act places a greater focus on ensuring Building Code compliance is achieved at the design and building consent processing stages, before building work is approved and begins.

This means BCAs need to pay more attention to the detailed content and quality of the plans, specifications and documentation submitted with a building consent application. In light of past performance issues in the sector, this improvement was and continues to be necessary.

Section 45 of the Building Act 2004 sets out in broad terms what an application for a building consent must contain. However, the Act does not define the form, content or quality of the plans and specifications or other information needed to support an application.

The bottom line is that BCAs need the right amount of information with the right level of detail to help them make informed compliance decisions.

Under the Act, BCAs can only grant a building consent if they are satisfied on reasonable grounds that the Building Code's provisions would be met if the work is properly completed according to the plans and specifications that came with the consent application (Section 49 of the Act).

The Act allows each BCA to determine what plans, specifications and other information it reasonably requires. This allows for differences between jurisdictions to be managed locally. This situation has pros and cons. Local environmental differences (e.g., ground conditions, sea spray or geothermal corrosion, high earthquake or wind zones, or different effluent and storm water disposal requirements) can require different compliance requirements. However, we risk losing some of the consistency and standardisation that a national Building Code and Act aim to achieve.

In recent years, many BCAs have strengthened their consent processing systems. They are now more conscious of ensuring the consent documentation is thorough. The BCA accreditation scheme has been a catalyst for some of this work, as have lessons learnt from recent weathertightness failings. The accreditation scheme under the Building Act requires BCAs to have effective systems and processes, as well as comprehensive guidance and consumer information about how they receive and vet consent applications to ensure they comply with the Building Act and Building Regulations (including the Building Code).

Room to improve

Most BCAs have strengthened their consenting systems and continue to do so. The aim now is to ensure such systems are focused on the right issues and risks, and are being effectively implemented.

While carrying out their performance monitoring and accreditation assessment responsibilities, the Department and IANZ see many examples of building consent files across the country. Some contain clear and comprehensive building consent plans and specifications, which enables sound and very efficient consent processing and approval. However, many recent consent files still contain incomplete or substandard information, or applications that are overly reliant on generic information that is not project specific or relevant at all. The standard of design work, still being accepted by BCAs, remains inadequate in many situations.

Such applications clearly do not fully demonstrate how compliance with the Building Code will be achieved. As such, they make BCAs' compliance checking role more inefficient, costly and harder to fulfil.

The Department has consistently advised that these applications should be rejected at lodgement stage. The applicant should be requested to obtain/supply the required

information and re-submit their application again when it is complete. This process is often the most efficient overall.

Some care needs to be taken to ensure valid applications are not rejected. Building officials should clearly communicate what they believe is deficient with the application, **why the information is needed, and how it relates to their Building Code compliance decision-making**. BCAs also need to make sure they ask only for information it is reasonable to ask for, so they can make informed compliance decisions. It is also not a BCA's role to design building work or to assess aesthetics. Rather, its role is to assess and verify that all aspects of a building's design comply with the Building Code.

Additional guidance

As guidance, the Department published the Guide to applying for a building consent (simple residential buildings) back in 2007, which sets out the minimum expectations for building consent documentation – and the Beginner's guide to resource and building consent processes. These and other guides are available at www.dbh.govt.nz/publications-about-the-building-act-2004

EXTERNAL MEMBRANES AND BUILDING CODE COMPLIANCE

This article provides guidance on establishing compliance with Clause E2, External Moisture, of the Building Code. Specifically, the guidance covers compliance matters associated with external membranes for roofs and decks specified in building consent applications.

More generally, it also highlights the different ways of demonstrating compliance with Clause E2 that consent applicants/designers most commonly use:

- following an Acceptable Solution in a compliance document; or
- proposing and justifying an alternative solution to a building consent authority (BCA).

Guidance developed after queries from the sector

This guidance has been developed after the Department received a number of queries from the design sector about the processes that a BCA was using to check the compliance of designs for external membranes for roofs and decks included in building consent applications.

The queries related to the content of one of the BCA's practice notes that it had developed to

highlight some of the critical factors to be considered when making compliance decisions about external membranes, and deciding whether to grant or refuse building consent applications.

In recent years, some BCAs have proactively developed tools as working instructions, guidance or practice notes to work from when undertaking their compliance-checking role. Often BCAs make these documents publicly available on their websites to help guide and advise their building control staff, as well as local designers, consent applicants, and any other interested parties who are involved in the building consenting process.

The BCA produced this material as a tool to help establish building compliance and to help address the incidence of deck and roof membrane failures occurring. It had found this to be a factor contributing to weathertightness problems with a number of buildings in its area. In particular, the BCA found a high occurrence of membrane failure where these surfaces were constructed with very minimal falls or slopes, where tiles had been directly fixed to membranes, or where membranes had failed due to the age and/or movement in their substrate – that is, the deflection or give in the supporting framing or substrate.

The Department fully supports all BCAs proactively developing such material and making it publicly available for their customers. This is one way for BCAs to clearly communicate their best-practice advice to their staff and the sector in a way that is open and helpful. It also helps to educate the wider sector and to achieve a greater level of consistency and efficiency.

However, it is important that all parties appreciate that such documents are only tools to help achieve building compliance – they cannot be used to set different requirements from those provided for under the building consenting framework established by the Building Act 2004.

Some designers were concerned that the BCA may have been using some of the technical details in one of its practice notes to try to set a 'blanket approval requirement' for a minimum degree of fall for all external membranes specified in building consent applications. It was also suggested that, in some cases, this could have the effect of setting a higher level of compliance than the Building Act, the Building Code and a nominated Compliance Document actually required.

There was also some uncertainty about whether the practice note in question was intended to guide the BCA's decision-making around external membranes for all building consent applications

(including those that followed the Department's published Acceptable Solution Compliance Document for external moisture, E2/AS1). Or, alternatively, whether it was only supposed to apply to building consent applications that contained a proposed alternative solution for the external membrane specified in the building design (ie, design solutions outside the scope of E2/AS1).

Guidance from the Department

The Department considered the issues involved, had discussions with relevant parties, and developed the following guidance around assessing external membranes in the wider context of making sound compliance decisions around Clause E2, External Moisture, of the Building Code. As a result, the BCA revised its practice note to incorporate the Department's guidance. The guidance contains some important messages for all BCAs, the wider design and construction sector, and building consent applicants.

Relevant Building Act 2004 requirements

Some key requirements in the Act include:

- Section 17 – requires building work to comply with the Building Code
- Section 18 – specifies that building work does not have to achieve performance criteria additional to or more restrictive than the Building Code
- Section 19 – specifies a number of ways that compliance with the Building Code can be established. Examples include:
 - complying with a Compliance Document published by the Department; or
 - complying with a determination issued by the Department.

Means of compliance

Compliance Documents provide details for construction that, if followed correctly, will result in compliance with the Building Code. A design in a building consent application that complies with a Compliance Document must be accepted by a BCA as complying with the Code.

Each Compliance Document contains at least one of the following:

- a Verification Method (test or calculation methods that prescribe one way to comply with the Building Code); and/or

- an Acceptable Solution (step-by-step instructions that show one way to comply with the Building Code).

Building Code Clause E2, External Moisture, has one Verification Method and one Acceptable Solution. The Acceptable Solution for Clause E2 is known as E2/AS1.

It is important to note that compliance with the Building Code can also be demonstrated by way of an alternative solution. This means a solution that is compliant with the Building Code but is not part of a Compliance Document. One benefit of having a performance-based Building Code is that designers have the scope to be innovative and imaginative, push design boundaries, and design different types of buildings. However, in doing so, design professionals must still provide evidence to the BCA that compliance with the Building Code will be achieved.

E2/AS1 – External Moisture

E2/AS1 is the Acceptable Solution that covers external membranes for certain buildings. Importantly, however, E2/AS1 has a clearly defined and relatively narrow scope and does not apply to all building designs. Therefore it cannot

always be used to demonstrate compliance with Clause E2 of the Building Code for every building project. Table 1, below, summarises the broad scope of E2/AS1.

Table 1: Scope of E2/AS1

CONSTRUCTION INCLUDED	CONSTRUCTION EXCLUDED
<p>E2/AS1 includes the following:</p> <ul style="list-style-type: none"> Materials, products and processes contained in E2/AS1 for buildings within the scope of clause 1.1.2 of NZS 3604 Timber Framed buildings (1999) and: Buildings up to three storeys of timber framing, with a maximum height from ground to eaves of 10 metres; and Buildings with a floor plan area limited only by seismic and structural control joints. Additionally, some of the specific inclusions covered in clause 1.1.2 of NZ3604 are as follows: Buildings should be founded on good ground (see section 1.3, definitions, of NZS 3604). Buildings that fall within the building wind zones as described in NZS 3604 and are low, medium, high or very high. The floor and roof live loadings applicable to domestic, residential, institutional and educational buildings fall within the scope of NZ3604 (provided that the floor loading shall not exceed 1.5 kPa for the uppermost floor of three storey buildings) <p>Note: The plan floor area can be unlimited for one or two-storey buildings where all storeys are of <i>timber frame</i>.</p>	<p>E2/AS1 does not cover buildings over 3 storeys, (with a maximum height from ground to eaves of 10 metres).</p> <p>E2/AS1 also specifically excludes the following:</p> <ul style="list-style-type: none"> Outbuildings (such as garages and other unlined structures) Buildings with drained cavities and spread of flame requirements as specified in NZBC C3.3 Buildings with drained cavities and acoustic requirements as specified within NZBC G6 Buildings not founded on good ground, as defined within section 1.3 NZS3604 are not covered. NZS 3604 also specifically excludes: Buildings above very high wind zones as described in NZS 3604 (specific engineering design, SED, is required here)

Building consent applications that contain designs that are not covered by this scope cannot rely solely on E2/AS1 to demonstrate compliance with the Building Code. Such designs are referred to as 'alternative solution proposals'. In such cases, the onus is on the building consent applicant/designer to propose another means of complying with Clause E2 of the Building Code and to provide the BCA with the evidence that compliance would be achieved. Once the BCA is satisfied that a proposed design meets Building Code provisions, the design can then be approved as an alternative solution.

If the building consent application fits within the scope of E2/AS1, and E2/AS1 is used as a means of compliance, then the BCA will need to assess the application against the requirements of E2/AS1.

The purpose of this article is not to explain every component of E2/AS1, but is focused on those parts which specifically relate to membrane roofs and decks. E2/AS1 also has a specific set of limitations for membrane roofs and decks, and these are summarised in table 2, overleaf.

Table 2: Limitations of E2/AS1 for membranes roofs and decks

CONSTRUCTION INCLUDED	CONSTRUCTION EXCLUDED
<p>Membranes composed of butyl or EPDM installed over plywood substrates for:</p> <ul style="list-style-type: none"> • roofs with a minimum fall of 1.5 degrees (1:40) • decks with a minimum fall of 1 degree (1:60) • decks with and a maximum area of 40 square metres • internal gutters with a minimum fall of 1 in 100 (see also the exclusion opposite) • decks with removable raised surfaces to give level access 	<p>All membranes other than butyl rubber and EPDM fall outside E2/AS1.</p> <p>Other building elements not covered include:</p> <ul style="list-style-type: none"> • decks with steps within the same level of the deck area (except into gutters) • decks with integral roof gardens • decks with a downpipe directly discharging to the deck • internal gutters with a minimum fall of 1 in 100, with seams in the gutters closer than 1 metre to an outlet • the application of directly-applied wearing or decorative surfaces to membranes (eg, tiled surfaces) • deck substrates other than plywood (17mm minimum thickness) <p>Note: for roof and deck areas over 40m², roof vents will be required. Roof vents are not covered by the Acceptable Solution.</p>

NOTE: Tables 1 and 2 are intended to summarise a number of caveats only. Designers/consent applicants should always refer to the full text of E2/ AS1 and NZS 3604.

Building consent applications that contain design components excluded by these limitations cannot rely solely on E2/AS1 to demonstrate compliance with the Building Code. Again, the onus will be on the consent applicant/designer to propose another means of complying with Clause E2 of the Building Code.

Specific design and alternative solutions

Buildings, components, or junction details outside the scope of E2/AS1, or which are outside the limitations mentioned in Table 2, will require specific design and are considered alternative solutions to the Compliance Document E2/AS1. Details of specific design have to be provided to the BCA for assessment and approval as part of the building consent process. Further guidance on assessing proposed alternative solutions is contained in the Department’s publication: *Means of Establishing Compliance: Alternative Solutions* available at www.dbh.govt.nz/publications-about-the-building-act-2004#alternative-solutions

Following the Department’s further evaluation of the practice notes mentioned at the start of this article, it was evident that some designers may have believed they were designing to Acceptable Solution E2/AS1, when in fact they had stepped outside of the scope or limitations of it and were actually proposing an alternative solution for consideration by the BCA. This was likely caused in part by designers being unclear as to the actual scope of E2/AS1 and the exclusions and limitations that apply to it.

Sound compliance decision-making around external membranes

Every building consent application should be assessed on its own merits for Building Code compliance. Blanket policies or approaches to assessing compliance are not always appropriate or consistent with the Building Act. The Department considers that BCAs should not only consider the design that is actually being proposed, but also seek to clarify the actual means of compliance that the consent applicant/designer is using to justify that the proposed building work will comply with the Building Code.

In general terms, any given building consent application might seek to demonstrate compliance with Clause E2 by either:

- fully adhering to the requirements of the Compliance Document E2/AS1
- partially or substantially complying with the Compliance Document E2/AS1, but also proposing an alternative solution for one or more components of the design. Additional supporting information to help establish compliance will be needed for any such alternative solution component
- not referring to Compliance Document E2/AS1 at all but using a specific design or alternative solution to demonstrate compliance and providing the supporting information to help establish compliance.

In some cases, the particular means of compliance may not be immediately apparent from the plans and specifications provided. It may be worthwhile for BCA staff to check if they are unsure.

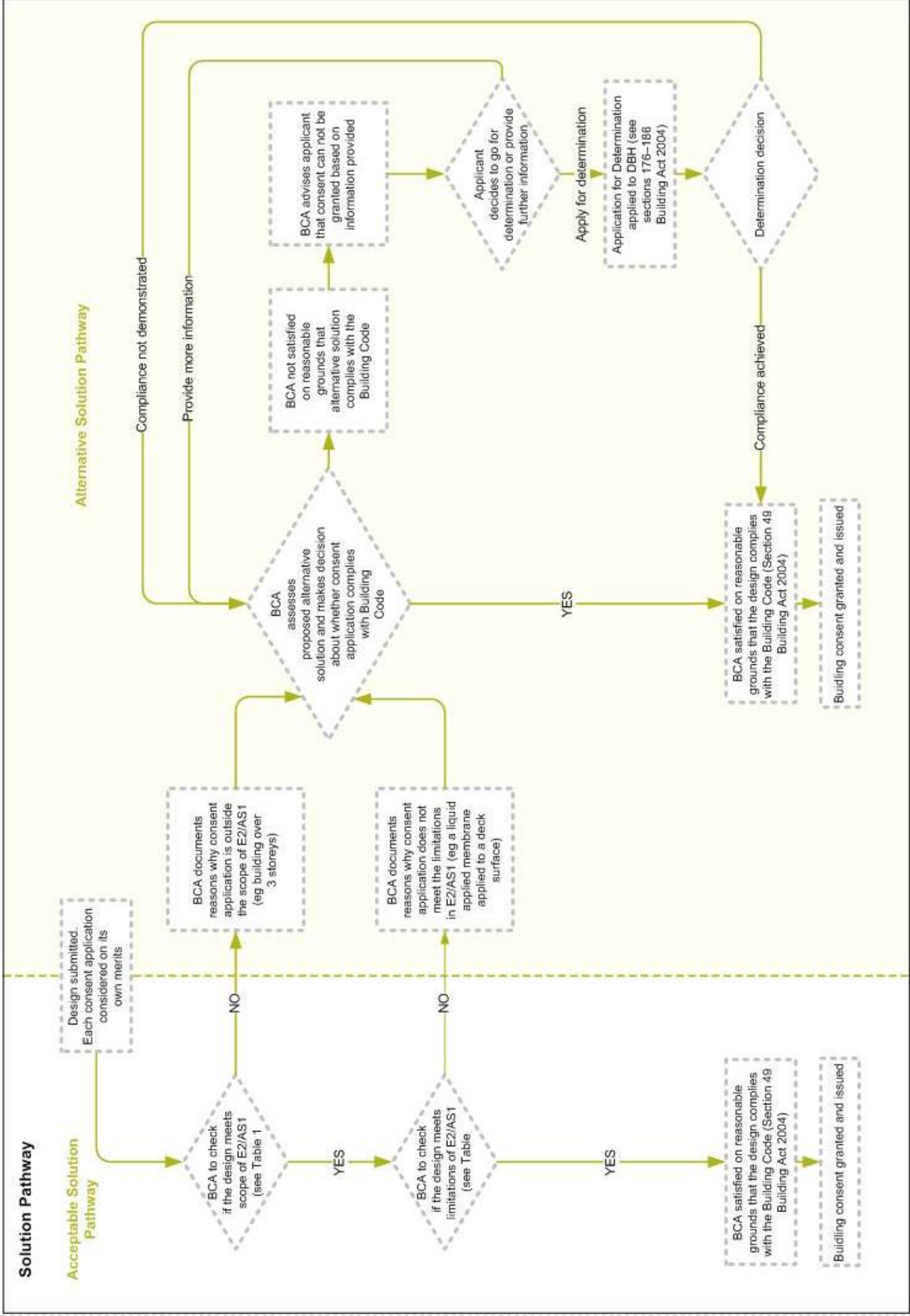
Designers should also ensure their plans are clear and well detailed on this matter. Doing so will help the BCA make an efficient and informed compliance decision.

The decision-making process then used by BCA staff to check any given building consent application will likely depend on which compliance pathway the consent applicant/designer is proposing. The flowchart below outlines some key decisions that should be considered when assessing external membranes.

Other information sources specific to external membranes include:

BRANZ's *Weathertight Solutions Vol. 6: Membrane roofs*. This resource can be purchased from BRANZ through www.branz.co.nz/cms_display.php?sn=70&st=1&pg=2260

The Membrane Group New Zealand Incorporated's Code of Practice (for Torch-on Membrane Systems for Roofs and Decks), available at www.equus.co.nz/tom-cop-301008.pdf



BUILDING CONSENTS NEEDED FOR WET AREA SHOWERS

Installing wet area showers* is work that currently requires a building consent. However, the Department of Building and Housing has become aware that a number of building consent authorities (BCAs) are inconsistent in their approach. This article highlights guidance that the Department has previously published to assist BCAs when considering whether or not to approve wet area showers.

The Department previously published guidance entitled *Building work that does not require a building consent: A guide to Schedule 1 of the Building Act 2004 November 2008*.

In this publication, the Department communicated the view that clauses (ad) Alterations to Sanitary Plumbing and (af) Improving Access for People with Disabilities of Schedule 1 do not exempt wet area showers from requiring a building consent. An example provided in the guidance under clause (ad) of Schedule 1 states that 'Installing a wet area shower requires a building consent. This is because the construction of the wet area shower includes critical building work, such as waterproof membranes.' Level-entry or wet area showers are installed for a variety of reasons, such as:

- adapting a house for a person with a long-term disability
- after an accident when a person has a temporary disability
- for elderly parents who have come to live with their family
- because a homeowner chooses to.

The Department considers that installing wet area showers should not currently be exempt building work because this work is relatively high risk in terms of the consequence of failure i.e., expensive re-work and repair of linings and structural members. This is because a number of critical design elements (such as the substructure for the tanking or the waterproofing) need to be carefully considered, and the consequences of not getting it right could be significant in terms of rework and repair costs.

A wet area shower must be constructed so that water cannot enter the building fabric, which could cause dampness and consequent health hazards, eventual decay, and negative

effects on the structural integrity of the house. In addition, the installation of a wet area shower is usually more complex than work which is exempt under Schedule 1 of the Building Act 2004, such as:

- replacing an existing shower with a standalone or ready-made cubical shower
- replacing sanitary fixtures in the same room
- moving a toilet

BCAs should take into consideration that wet area showers require more building work than when a standalone or ready-made shower is installed, for example:

- floor, subfloor and walls designed for protection from additional water exposure
- containment and fall to shower floor waste, which may require furring of joists
- tanking membrane under the floor covering and behind shower wall coverings
- waterproof finish to shower walls and floor, such as tiles over a tanking membrane or vinyl.

The building consent and inspection process provides a level of assurance to homeowners that the building work complies with the Building Code.

Accessibility requirements

Providing facilities for people with disabilities is not a Building Act or Building Code requirement for residential houses.

This means a wet area shower installed in a residential house is not required to meet the provisions of G1/AS1 or NZS 4121. The shower can be designed to suit the disabilities of the person intending to use the shower, for example it may not need a fixed seat.

Level entry showers can be, but are not always, accessible showers.

BUILDING CONSENT AUTHORITY ACCREDITATION

What is Building Consent Authority Accreditation?

For those of you who might have been living in Siberia for the last few years, building consent authority (BCA) accreditation is one of the key components of the Building Act 2004 (the Act). Accreditation under the Act requires building consent authorities (BCAs) which are the building control departments at local councils to meet certain standards, specified in regulations, which are intended to

*The floor of 'wet area' or 'level-entry' showers is a continuation of the floor of the bathroom, rather than a separate raised shower tray or cubicle.

ensure BCAs lift their performance relative to the past. Accreditation standards relate to matters such as:

- the development, documentation and effective implementation of sound building control policies, systems and processes
- adequate numbers of competent BCA staff and contractors and that they have all the resources, facilities and equipment they need to undertake their functions properly
- robust quality-assurance systems to support continuous improvement.

Accreditation assessments are carried out by International Accreditation New Zealand (IANZ). IANZ, appointed under the Act by the Department of Building and Housing (the Department), is an internationally recognised and operating independent accreditation body. IANZ has the ability to revoke accreditation should a BCA not maintain accreditation standards. Accreditation is a pre-requisite for the Department to register a BCA under the Act.

Due to the low starting base and extent of change necessary for existing BCAs to achieve and maintain accreditation, standards are being ramped up over time and introduced in three separate phases over a six-year transition period as summarised below:

- **Phase 1:** Relating to internal BCA systems, policies, capacity, competencies, and record-keeping had to be met by 30 November 2007
- **Phase 2:** Relating to quality assurance is more externally (customer) focused and must be met by 30 November 2010
- **Phase 3:** Regulation 18 relating to technical qualifications for BCA employees must currently be met by 30 November 2013.

To maintain accreditation, BCAs must be reassessed by IANZ at least once every 24 months.

What were the results of Phase 1 BCA accreditation?

The first phase of BCA accreditation has now been successfully implemented. All territorial and regional authorities have been accredited and registered as BCAs, or have transferred their building control functions to another accredited and registered BCA. There are 72 accredited territorial authority BCAs and three accredited regional authority BCAs. Five private organisations providing contract services to territorial authorities have also been accredited.

An independent
PricewaterhouseCoopers (PWC)

review of the implementation of phase 1 confirmed that BCAs had a very low starting base. The PWC review found that at least:

- 44% of councils did not have any documented systems and processes for undertaking their building control functions
- 64% had not identified the required competencies for undertaking building control functions
- 50% had not identified and ensured the actual competency of their staff
- 64% had no training plans in place for staff.

While meeting phase 1 standards was therefore challenging and costly for many BCAs, recent IANZ feedback is that all BCAs are performing better than they were prior to accreditation commencing. In addition, feedback to the Department and PWC through their review, from BCAs is that they now operate better businesses, and have a greater knowledge and understanding of their technical capabilities and limitations.

BCAs have also indicated that they are investing in improved training for staff and appreciate that more formal business processes and practices now help with ensuring better quality and consistency in the delivery of their building control functions under the Act.

What is happening with phase 2 accreditation?

Phase 2 accreditation standards are designed to ensure:

- BCA systems and processes are 'fit for purpose' and that BCAs 'get it right first time' (ie, systems and processes should not be unduly complicated – the PWC review found that some BCAs have established systems and processes that are overly complex and bureaucratic and in need of streamlining and refining)
- BCA performance does not slip back to the pre-accreditation state by providing a basis for monitoring ongoing performance against phase 1 standards ensuring that accreditation is maintained and a disciplined focus on continuous improvement and improving business and customer processes.

By late February 2010, IANZ had undertaken phase 2 assessments for 55 BCAs.

Feedback from the BCAs which have so far been assessed against phase 2 standards is that there has been:

- the beginning of a change in culture away from compliance to quality
- effort made to streamline phase 1 systems and processes, which has significantly reduced the size and complexity of their documented system (ie, as part of implementing the phase 2 quality assurance system)
- more robust decision-making by building officials
- increased staff support for improvements and a more positive staff response to change proposals
- a shift in thinking whereby complaints are now being viewed as opportunities for improvement rather than a need to defend the status quo
- an increase in BCAs working together and sharing phase 2 implementation ideas
- better sharing of resources and expertise between BCAs.

An example of greater collaboration is the Waikato cluster of five BCAs has one quality assurance manager across the BCAs and operates a number of consistent and standardised systems, forms and processes.

BCAs that have already been assessed to phase 2 standards have advised that the cost of developing quality assurance systems is significantly lower than the cost of developing systems to comply with phase 1, and that the phase 2 standards are not overly difficult to achieve. Most BCAs now consider the accreditation standards simply reflect what ought to be seen as good business practice, for example, setting and monitoring achievement of goals (management review and internal auditing), improving performance and service delivery (a continuous improvement system), managing documentation and records, and managing conflicts of interest.

Will the Building Act Review affect accreditation requirements?

The Building Act review underway is examining, among other things, moving to a more risk-based consenting and inspection process, reallocating responsibility between BCAs, building practitioners and consumers, and the role and number of BCAs under a new regulatory environment. Accordingly, the Review could lead to fewer BCAs specialising in a narrower set of higher-risk building work. The Review will also likely impact on BCAs in terms of the knowledge and skills that building officials must have to be effective regulators.

Options for streamlining and refining the BCA accreditation scheme were already being examined before the Building Act Review commenced. The Department has looked at options for simplifying and rationalising accreditation standards to help ensure continuous improvement, ongoing streamlining and cost efficiencies are achieved.

Decisions on any future changes to the accreditation scheme will be made in light of Building Act Review outcomes, probably sometime in 2011. For the interim, however, the Department is very pleased with the good progress being made by BCAs and with the improvements in BCAs' performance arising from accreditation requirements.

For more information on BCA accreditation and registration including what the standards are, refer to the Department of Building and Housing's website at <http://www.dbh.govt.nz/bofficials-bca>

BUILDING CONSENT STATISTICS – A SUMMARY OF SELECTED NEW ZEALAND DATA

Recently the Department published a report illustrating information provided by territorial authority building consent authorities (BCAs) and Statistics New Zealand on consent numbers, construction values and statutory timeframes for consents.



The report also illustrates how national, regional and local building activity and the value of consented building work has changed over time. For example, the data shows that:

- BCAs issued around 86,000 building consents during the 2008/09 financial year, which is an 18 percent drop in numbers compared to the 104,000 consents issued in the 2007/08 year
- the majority of BCAs' granted between 10 and 30 percent fewer consents in 2008/09 than they did in 2007/08; however, four BCAs actually issued a greater number of consents in 2008/09
- the total combined value of the consented building work during 2008/09 was around \$10.8 billion compared with \$12.8 billion in 2007/08 (a drop in value of approximately 15 percent)
- consistent with previous years, total consent fee income received by BCAs nationally remains around 1 percent of the total value of the consented building work, although

fees as a percentage of building work value vary significantly between BCAs.

The Department is grateful to BCAs for their support and timely responses to our data requests. The information they provide is extremely valuable as we consider how variations, such as those highlighted in the publication, and proposed regulatory reforms about to be consulted on might impact on BCAs and the wider building and construction sector now and into the future.

A copy of this report is available at:
<http://www.dbh.govt.nz/building-consent-statistics-february-2010>

BUILDING CONSENT ACTIVITY IN 2008/2009

The Department of Building and Housing is continuing to collect, once every four months, information about building consents granted by territorial authorities who are registered building consent authorities (BCAs). This very useful information from the 72 authorities, summarised below for the 2008/09 financial year, confirms the scale and value of ongoing building activity throughout New Zealand.

National building consent numbers for 2008/09 down compared to 2007/08

As shown in the table overpage, territorial authority BCAs granted almost 86,000 building consents during the year from 1 July 2008 to 30 June 2009. This is an 18 percent drop in numbers compared to the 2007/08 year in which over 104,000 consents were granted. The total combined value of the consented building work during 2008/09 was around \$10.8 billion compared with \$12.8 billion in 2007/08 (representing a drop in value of approximately 15 percent).

The month-by-month figures in the table below (supplied by BCAs) confirm the national trend downwards in the total number of consents. The majority of BCAs' consent numbers dropped by between 10 and 30 percent. There were 6 BCAs that experienced a drop in numbers greater than 30 percent, with two of those dropping by as much as 42 percent. Four of the 72 BCAs, however, experienced a drop of less than 5 percent and 4 other BCAs actually granted a greater number of consents in 2008/09 than they did in 2007/08.

Table: Numbers of building consents granted by each registered BCA

Territorial Authority BCA	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Total for 08/09
Ashburton District	123	84	107	116	68	73	57	68	113	85	72	103	1,069
Auckland City	567	502	521	549	476	234	481	504	611	415	393	415	5,668
Buller District	49	38	29	30	41	34	18	39	41	44	46	57	466
Carterton District	30	30	22	26	39	22	31	26	34	25	23	33	341
Central Hawke's Bay District	46	32	54	44	29	32	8	29	40	54	24	28	420
Central Otago District	77	89	85	64	67	60	40	55	74	62	89	80	842
Christchurch City	545	712	579	519	486	417	320	530	660	547	626	657	6,598
Clutha District	89	62	45	68	55	35	26	37	66	66	69	70	688
Dunedin City	302	300	248	183	173	295	189	176	45	39	79	71	2,100
Far North District	140	105	146	112	108	102	56	85	101	115	134	127	1,331
Franklin District	154	115	103	126	96	116	70	95	122	123	153	125	1,398
Gisborne District	149	97	117	125	71	99	65	62	102	117	153	128	1,285
Gore District	73	37	56	62	35	39	9	37	45	39	79	71	582
Grey District	41	36	74	29	34	78	13	36	37	56	47	54	535
Hamilton City	180	139	161	122	121	154	80	101	128	128	159	153	1,626
Hastings District	161	122	171	134	102	102	99	93	132	137	132	167	1,552
Hauraki District	77	63	42	28	39	37	28	33	34	41	56	38	516
Horowhenua District	105	54	77	37	56	31	29	46	84	68	74	57	718
Hurunui District	50	57	43	19	26	47	16	33	34	36	43	29	433
Invercargill City	188	208	234	230	146	153	118	149	184	148	191	199	2,148
Kaikoura District	16	12	25	15	8	16	9	17	25	9	21	14	187
Kaipara District	73	63	63	74	51	52	32	40	58	74	84	64	728
Kapiti Coast District	132	103	86	78	71	80	63	56	86	86	99	108	1,048
Kawerau District	12	12	8	5	8	8	3	3	10	5	8	11	93
Lower Hutt City	109	93	98	58	95	137	58	60	112	109	120	110	1,159
Mackenzie District	27	18	7	23	31	26	17	21	25	20	16	21	252
Manawatu District	108	51	89	61	48	55	31	47	77	67	109	64	807
Manukau City	276	213	289	260	224	181	151	225	245	181	221	201	2,667
Marlborough District	160	184	201	135	119	139	119	128	167	134	151	172	1,809
Masterton District	61	64	86	77	64	66	42	62	43	57	80	59	761
Matamata-Piako District	102	79	106	78	87	36	57	64	69	81	65	69	893
Napier City	99	104	118	84	83	82	86	71	87	117	104	89	1,124
Nelson City	115	102	112	125	83	115	72	107	145	115	146	153	1,390
New Plymouth District	172	134	151	119	178	160	141	136	180	203	223	214	2,011
North Shore City	251	207	162	235	263	287	183	226	248	258	231	268	2,819
Opotiki District	22	26	22	18	23	14	13	20	17	18	20	12	225

Territorial Authority BCA	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Total for 08/09
Otorohanga District	48	51	28	38	31	20	30	5	46	29	28	24	378
Palmerston North City	141	121	96	112	101	80	46	93	122	89	112	141	1,254
Papakura District	65	56	53	51	56	52	41	37	20	33	41	34	539
Porirua City	66	71	72	70	61	45	44	45	63	63	73	77	750
Queenstown-Lakes District	125	133	109	125	108	71	88	89	107	106	109	108	1,278
Rangitikei District	45	24	35	30	27	31	26	17	39	33	44	38	389
Rodney District	181	239	165	188	187	146	120	117	152	136	142	170	1,943
Rotorua District	163	138	129	120	92	101	77	130	97	133	116	99	1,395
Ruapehu District	35	32	23	37	28	28	24	22	30	31	23	29	342
Selwyn District	183	176	188	148	154	150	71	108	123	118	159	117	1,695
South Taranaki District	70	66	72	64	45	51	35	32	67	72	96	99	769
South Waikato District	80	60	55	63	77	52	14	40	38	43	52	32	606
South Wairarapa District	52	47	45	33	42	43	32	34	34	48	49	42	501
Southland District	208	158	187	177	164	124	99	103	133	168	152	141	1,814
Stratford District	30	33	25	25	27	23	19	33	36	30	30	33	344
Tararua District	66	60	52	44	50	39	33	44	44	57	63	56	608
Tasman District	134	94	136	135	117	102	82	89	130	133	142	156	1,450
Taupo District	119	115	104	88	89	73	76	95	98	89	116	103	1,165
Tauranga City	217	171	181	178	149	108	113	132	133	167	207	210	1,966
Thames-Coromandel District	116	106	99	126	109	97	48	68	70	73	98	89	1,099
Timaru District	181	137	136	141	147	129	73	111	129	102	151	120	1,557
Upper Hutt City	77	72	63	70	56	36	32	64	71	61	57	56	715
Waikato District	131	100	94	113	87	66	62	64	91	88	101	110	1,107
Waimakariri District	137	117	120	85	104	86	54	95	120	80	98	115	1,211
Waimate District	43	25	28	28	27	23	21	24	25	22	27	24	317
Waipa District	137	145	117	101	111	85	81	71	75	112	113	103	1,251
Wairoa District	23	18	15	16	22	17	9	10	16	11	27	20	204
Waitakere City	137	137	121	126	171	162	159	150	196	171	172	184	1,886
Waitaki District	72	79	60	55	47	48	58	35	68	63	69	77	731
Waitomo District	25	34	19	20	19	18	32	32	30	15	15	14	273
Wanganui District	160	95	101	80	107	101	60	48	108	90	145	98	1,193
Wellington City	287	354	273	220	269	211	162	191	231	269	281	257	3,005
Western Bay of Plenty District	136	125	96	110	105	84	75	71	115	80	118	102	1,217
Westland District	48	27	29	44	44	28	23	23	26	24	42	19	377
Whakatane District	78	51	85	80	52	54	55	69	59	53	78	81	795
Whangarei District	184	106	86	141	186	118	78	110	131	105	114	109	1,468
TOTALS	8,881	7,920	7,834	7,350	6,972	6,316	4,982	6,018	7,354	6,876	7,800	7,578	85,881

NATIONAL BUILDING OFFICIALS' QUALIFICATIONS UPDATE

This article provides an update on the implementation of the two new national diplomas in building control surveying which were registered on the New Zealand Qualifications framework in 2009.

The Local Government Training Organisation (LGITO) contracted Otago Polytechnic's Centre for Assessment of Prior Learning (CAPL) to develop a process to assess and where appropriate award the qualification(s). CAPL has been running a pilot programme involving preparing and assessing of sixteen candidates from around New Zealand.

Late last year, Chris Randell of Dunedin City Council and Stewart Geddes of Central Otago District Council were assessed as having met the required standards to be awarded the Diplomas. Earlier this year Peter Sparrow from the Department of Building and Housing and Steve Hull from Papakura District Council also successfully completed the assessment process and have been awarded the Diplomas. The Department congratulates Chris, Stewart, Peter and Steve for this achievement.

The CAPL assessment process involves candidates attending workshops and preparing a portfolio of work as evidence they meet the required standards. This evidence is assessed by a panel of technical experts and CAPL staff. Remaining pilot candidates continue to work on their portfolios and will be assessed from March until May 2010. They are encouraged to progress their work as quickly as possible.

After completing this APL pilot CAPL will review and report back to LGITO and an industry reference group the learnings from the pilot.

Further information about the process is available at www.otagopolytechnic.ac.nz/schools-departments/prior-learning-capl/building-officials/qualification-process.html

A report on the assessment of prior learning experience is proposed to be presented at the BOINZ national conference in April 2010.

Many of the National Diploma in Building Control Surveying unit standards closely reflects many of the areas that must be covered in a competence assessment completed under Regulation 10 of the Building (Accreditation as Building Consent Authorities) Regulations 2006. These are illustrated over page.

UNIT STANDARD NUMBER	NATIONAL DIPLOMA UNIT STANDARD TITLE	BUILDING (ACCREDITATION OF BUILDING CONSENT AUTHORITIES) REGULATIONS 2006 REFERENCE
1296	Interview in an informal one-to-one situation	10 (3) (e) Employees' ability to communicate with internal and external persons
11283	Communicate with clients in a compliance context	10 (3) (e) Employees' ability to communicate with internal and external persons
22698	Demonstrate knowledge of building control legislation and requirements	10(3)(c) Employees' knowledge and skill in applying the Act, the building code, and any other applicable regulations under the Act
24160	Peer review building consent authority quality management system process for compliance with quality standards	10 (3)(f) Employees' ability to comply with the building consent authority's policies, procedures and systems
24161	Demonstrate knowledge of Building Act 2004 processes	10(3)(c) Employees' knowledge and skill in applying the Act, the building code, and any other applicable regulations under the Act
24162	Demonstrate knowledge of loads, forces and physical effects on structural components and materials	10(3)(a) Employees' understanding of the philosophy and principles of building design and construction
24172	Complete service inspections for small buildings	10(d)(ii) Employees' ability to inspect building work
24173	Assess services in small building consent applications	10(d)(i) Employees' ability to process applications for building consents
24175	Complete building inspections for small buildings	10(d)(ii) Employees' ability to inspect building work
24176	Assess small building consent applications	10(d)(i) Employees' ability to process applications for building consents
24177	Describe the processes of consenting and inspecting small buildings	10(d)(i) Employees' ability to process applications for building consents
9669	Apply principles from published data to evaluate select materials and finishes for buildings	10(3)(b) Employees' understanding and knowledge of building products and methods
9617	Determine and describe the construction methods for small buildings	10(3)(a) Employees' understanding of the philosophy and principles of building design and construction
24163	Demonstrate knowledge of small building construction methods, materials and systems	10(3)(b) Employees' understanding and knowledge of building products and methods 10(3)(a) Employees' understanding of the philosophy and principles of building design and construction

‘RISK SMART’ – A BRISBANE CITY COUNCIL FAST TRACK CONSENT APPROVAL SYSTEM

The New Zealand Government has previously announced moves to streamline the building consenting framework in the Building Act 2004 to ensure it is efficient, effective, and does not impose unnecessary regulatory red tape and cost. A wide review of the Building Act 2004 is now underway to look at how it can be simplified and made to work better.

In addition, some local councils supported by the Department of Building and Housing, have progressed a number of initiatives aimed at improving efficiency and timeliness of the building consent process. A good example is the regional cluster groups of councils formed to pool collective expertise, systems and resources for the benefit of all organisations within the cluster. Some of these cluster groups have made large strides and capitalised on the benefits of scale and pooling resources and skills. Others have not yet experienced the benefits possible.

For consent applicants, some councils have also undertaken specific projects, such as Hastings District Council’s Plansmart.

Low-risk proposals assessed

The Brisbane City Council (BCC) in Queensland, Australia operates an initiative to enhance the efficiency and timeliness of council regulatory approvals. Under the Queensland Integrated Planning Act 1997, a ‘development’ includes carrying out building work, plumbing or drainage work, reconfiguring a lot, or making a material change of use of a premise. In most cases, people have to apply under the Act for consent to undertake such activities (there are exceptions).

BCC introduced *RiskSMART* in July 2007 as a simple and faster way to get low-risk development proposals assessed and approved. The Council has defined low-risk development proposals as those that will have little impact on the neighbourhood and the environment and comply with the council’s district plans. The following low-risk application types can be approved through *RiskSMART*:

- industrial buildings in an industry area
- multi-unit dwellings (six units or less)
- new houses and extensions in a demolition control precinct
- single-unit dwellings (six units or less)
- small extensions in a shopping centre
- subdivisions (six lots or less).

This initiative is a good example of an organisation proactively developing a system in response to customer needs. The BCC describes *RiskSMART* as a ‘quicker, cheaper and more efficient option for low-risk development proposals’. To develop it, the BCC used a risk-management method to define what it considered low-risk development types, and then developed an online tool that produced a set of conditions relevant to those types of applications.

The BCC then made this online assessment and reporting tool available to accredited consultants (preferred designers, construction companies and regular consent applicants etc). BCC operates an accreditation system to enable competent, experienced consultants to participate in *RiskSMART*. Consultants who obtain accreditation have to undergo training in the *RiskSMART* process and online tool, enter into a Memorandum of Understanding with the council, and participate in an ongoing monitoring process.

The assessment process is therefore partly privatised, with applicants working through an accredited consultant to make a *RiskSMART* application. There are now over 30 BCC accredited town planning consultants who can submit *RiskSMART* development planning applications.

This partnership approach provides a means of developing stronger relationships with planning consultants. The process relies on the consultants’ professional assessment and advice to enable faster council assessment and decision-making. Accredited consultants take responsibility for assessing a proposal and lodging an application with recommended development conditions which are appropriate to the proposal. The application is then promptly assessed and decided by BCC, relying on the consultant’s information and assessment.

- BCC sees several benefits from introducing this process, including:
- timely and consistent decisions
- the council is better able to resource more higher-risk development proposals
- consultants becoming more engaged in the development assessment process
- helping to ensure high-quality development outcomes.

Applicants may benefit from faster development planning approval timeframes (BCC’s target is six days), reduced development costs where approvals are gained earlier, and greater certainty about their project.

According to Brisbane Mayor Campbell Newman ‘The programme not only fast tracked applications,

but also gave customers a 25% reduction fee for all *RiskSMART* applications resulting in instant cost savings for the applicant... Specially trained and accredited planning consultants can rapidly check straightforward applications against council's set regulations, accelerating the processes for millions of dollars of development across Brisbane each year.'

One town planner observed that timeframes to assess applications that typically took two-and-a-half to four months, and impact assessments that typically took seven to nine months, have been slashed to one week and two months respectively[†].

Private consultants also see benefits including a greater certainty of outcome, better servicing of clients, easier interaction with BCC staff, gaining a competitive edge in the market place, and ensuring more timely development approvals for their clients.

According to one town planner, 'The BCC *RiskSMART* process is the greatest improvement I have seen to the assessment of development applications in the 18 years I have been a town planner. There is a lot of expertise within the private sector... that could be better utilised with development assessment applications.'[‡]

Potential use for New Zealand building control

The Department considers that the Brisbane City Council initiative has potential for application in New Zealand. The customer-focused rationale behind the scheme is just as relevant for BCAs' building control functions, and there is no reason why BCAs could not also realise benefits from it. The Hastings District Council experience further supports this.

BCAs across the country would benefit from taking a more risk-based approach to their assessment and approval systems and processes, rather than adopting a one-size-fits-all approach, which can sometimes be unnecessarily time consuming and less efficient.

Further information about the *RiskSMART* initiative is available from these websites:

- <http://www.brisbane.qld.gov.au>
- <http://www.brisbanerisksmart.com.au>

STREAMLINING AND SIMPLIFYING THE LICENSED BUILDING PRACTITIONER (LBP) SCHEME

The Government has made several recent changes to streamline and simplify the Licensing of Building Practitioners (LBP) scheme following sector consultation in 2009.

[†] <http://www.brisbanerisksmart.com.au/aboutrisksmart.html>

[‡] <http://www.brisbanerisksmart.com.au/aboutrisksmart.html>

Policy framework finalised

The last decisions needed to complete the LBP scheme are now finalised. Initiatives include detailing what building work will be restricted to LBPs, a workable DIY exemption, and streamlining and simplifying licensing to reduce cost and complexity.

This means the policy framework for licensing is now complete, providing certainty for the building and construction sector going forward.

Streamlined process for qualified applicants

The streamlined application process with lower assessment fees for qualified practitioners started in February 2010.

Mark Scully, the LBP Registrar said, 'Before anyone can be licensed, they need to prove their competence for the work they take on. And recognised qualifications provide good evidence of competence. Applying for an LBP licence is now faster, easier and cheaper for those with recognised qualifications.'

Nearly 30 qualifications are recognised under the streamlined application process. Mr Scully said, 'The streamlining removes duplication, lifts efficiency and saves costs. Significant savings can be passed back to qualified applicants – for most classes, assessment fees are cut by more than half.'

The existing application process is still available for competent people without recognised qualifications.

Building and Construction Minister Maurice Williamson launched the new streamlined application process at an Auckland residential building site in February. He said the new process cuts compliance costs without compromising standards.

'The streamlined assessment process means that qualified builders and tradespeople can have the effort they put into their training formally acknowledged. It's about recognising those who put in the hard yards to get their qualifications. That now counts for something when applying to be licensed.'

Single Design and single Site classes

Another important change is the move to a single Design and a single Site class, with three 'areas of practice' effective as of April 2010.

The three areas of practice are based on simplified building categories. Applicants will provide

evidence for the area of practice that best matches their experience.

Once licensed, LBPs are expected to only do the work they are competent to do. However, this single Design and single Site class approach allows people to increase their skills and experience over time. It means practitioners, especially if self-employed, can gradually lift their skills and take on bigger work, without having to worry about working outside their license or getting a new one.

Simplified building categories

From April 2010 building category variables are set to be simplified, relating only to the intended use and height of the building, and its external envelope risk score.

The simplified categories form the basis of areas of practice for the new single Site and single Design licences:

1. standalone house with a risk score of 12 or less
2. complex house (a risk score of more than 12), and other buildings where the highest occupied floor is less than 10 m in height from the final exit
3. buildings where the highest occupied floor is more than 10 m in height from the final exit.

New Foundations class

A new Foundations license class has also taken effect as of April 2010. It covers practitioners who construct foundations for simple residential, complex residential and simple commercial buildings (category 1 and 2 buildings).

The new Foundations class means the piling and foundation work needed following relocation can be carried out by those skilled at this work, without requiring a qualified carpenter.

Recognising other licensing classes

Some building practitioners, such as engineers, are already registered under an existing occupational licensing scheme. From April 2010, those registered under other statutory registration systems will be automatically treated as having the corresponding LBP license for the purpose of restricted building work. For example, a registered plumber and gasfitter will be treated as if they are an LBP for flashing pipe penetrations in roofs and walls.

Other changes

The Government has decided not to license groups of practitioners where the costs outweigh the benefits:

- the Building Services licensing class is set to be removed. That means people who install active building services such as lifts, fire and air-conditioning systems will not need to be licensed
- IQPs (independently qualified persons) will not be included in the LBP scheme
- the Concrete Structure and Steel Structure licensing classes will not be implemented at this stage.

Sector feedback

Mr Scully (Registrar of the LBP scheme) said the feedback from local authorities had been valuable in developing the scheme. 'We have worked really hard with the sector and others to get the final details of the scheme right. Now we ask your help in encouraging applications so competent people can get the recognition that licensing brings, and consumers can have confidence in those who design and build their homes.'

More information is at www.dbh.govt.nz/LBP or by phoning 0800 60 60 50.

Stay up to date with licensing news with the Department of Building and Housing's Licensing Update publication at www.dbh.govt.nz/LBP-licensing-update

BUILDING OFFICIALS AND THE LBP SCHEME

The Building Act's Licensed Building Practitioner (LBP) scheme is well underway. The policy framework for LBPs is now complete, providing certainty for the building and construction sector. "Active consumer promotion of the scheme will be kicking off in August/September 2010, and it is full steam ahead now for the scheme," says Mark Scully, the new Registrar of LBPs.

The LBP scheme aims to ensure the competence and accountability of building practitioners (designers, site supervisors, carpenters, roofers, bricklayers, block layers, external plasterers and foundations workers). "The scheme is most relevant for building officials and the certification work they do," says Malcolm MacMillan, BCA Capability & Performance Manager at the Department of Building and Housing. "Building consent authorities and their building officials interact daily with building practitioners. They undertake compliance checks at the consent processing stage, and onsite as building work progresses."

Increasing numbers of practitioners are applying to become LBPs and as the promotion campaign ramps up this year, more consumers will seek licensed professionals to work on their homes.

The LBP competency standards were set by the industry, including input from building officials. "Standards are high," says Mark Scully. "There will always be debate over whether the bar has been set high enough. But now the bench mark has been set." Experienced assessors check that applicants can demonstrate current competence, and once licensed, LBPs must prove they are keeping their knowledge and skills up-to-date (CPD is mandatory).

"This is a scheme with consequences," says Mark Scully. "Firstly, only those who are truly competent can use the LBP quality mark. And secondly, if shoddy work does get through, anyone, including a building official, can make a complaint." The scheme includes a fair and impartial complaints and appeals process for LBPs. Complaints about an LBP's competence can be made to the independent Building Practitioners Board, which can impose penalties including censure, fines, mandatory up-skilling and training, suspension and cancellation of a license.

"We believe the LBP scheme is going to benefit everyone in the industry, including building officials," says Mark Scully. "It increases confidence in the sector because you know the people who do the work that you inspect have been assessed as competent and are accountable. LBPs are required to keep their skills up to date through their ongoing skills maintenance (CPD) and the guidance and advice the Department provides directly to LBPs."

Everyone wants buildings and homes that are built right the first time. Building officials have a key role in making that a reality. "Your feedback into the LBP scheme has helped shape it. We are keen to hear your ongoing feedback," says Malcolm MacMillan. "Building officials are a crucial interface with LBPs and consumers. You're at the coalface. You know what's happening in the industry – in your own patch and nationally. There's lots of misinformation out there – we hope you can continue that journey with us and get the right messages about the scheme and its benefits out there."

If you'd like more detail, for example on restricted building work, the license classes and their standards, the complaints process visit www.dbh.govt.nz/LBP or phone 0800 60 60 50 for a copy of *Is licensing for me?* or just talk to an LBP advisor. Stay up-to-date with licensing news with the Department of Building and Housing's Licensing Update at www.dbh.govt.nz/LBP-licensing-update

INDEPENDENT REVIEWERS APPOINTED TO REVIEW SECTION 363B (CERTIFICATES OF PUBLIC USE) OF THE BUILDING ACT 2004 AND THE DAM SAFETY REGULATORY SCHEME

As part of the Building Act Review, the Government has agreed to independent assessments of two areas where new provisions are about to come into

effect - Section 363B and the Dam Safety Regulatory Scheme.

Section 363B review

The Section 363B review will look at the requirement for owners of public buildings where building work for which a building consent was required was undertaken between July 1992 and 31 March 2005 to ensure they have a code compliance certificate, a certificate of acceptance (if the Council is unable or refuses to issue a code compliance certificate) or a certificate for public use (if the work has not been completed) by 31 March 2010.

The Section 363B Review will be conducted by risk management specialist Roger Estall who has trained as a fire protection engineer and has held the positions of Chief Technical Officer of the Insurance Council of New Zealand, President of the Institution of Fire Engineers and Chairman of the New Zealand Fire Service Commission and National Rural Fire Authority. He is the New Zealand expert representative on the International Organization for Standardization's working group which has developed the first international risk management standard.

The Section 363B review is intended to deliver advice on the likely risks to public health and safety from uncertified pre-2005 building work and the most effective and efficient means of addressing those risks. The full Terms of Reference are available on line at www.dbh.govt.nz

Roger Estall will engage with local authority representatives and other people and organisations with relevant knowledge and expertise. His findings will be reported to the Government. Any subsequent amendment to the Building Act would be likely to happen alongside other amendments arising from other aspects of the Building Act review in the second half of this year.

Dam Safety Review

New Zealand has about 1,150 large dams that, until now, have not been subject to a formal system of dam monitoring, inspection and maintenance.

The Building Act 2004 provides for a national regulatory risk management scheme for large dams in New Zealand, the Dam Safety Scheme, requiring that from 1 July 2010 all large dams are regularly monitored, and that any associated risks to people and property from their failure are minimised. Questions over the practicality of the requirements were raised as part of the Building Act Review.

The Dam Safety Review will be conducted by engineer and project management specialist Bruce McLean. Bruce graduated as a civil engineer in 1972 and worked on heavy civil engineering, building and defence projects in New Zealand, Canada, USA and Israel. He was an adviser to the Prime Minister and the establishment manager and Acting Chief Executive of Industry New Zealand.

The Dam Safety Review will look at whether the requirements due to come into effect from 1 July are fit for purpose, efficient and effective. The full Terms of Reference are available on line at www.dbh.govt.nz

Bruce McLean will engage with the representatives of dam owners and other stakeholders, including regional councils. His findings will be reported to the Government. Any decisions on amending the Dam Safety Regulatory Scheme will be made by mid-2010.

How to comment on these reviews

These reviews arise from the review of the Building Act 2004, but because of their specific and relatively limited scope, they are not part of the package of proposals for reform of the Building Act currently being consulted on.

If you wish to make comment on these specific reviews, email buildingactreview@dbh.govt.nz or phone the Building Act Review Programme Office on 04 494 0260.

CONDITIONS AND NOTATIONS ON BUILDING CONSENTS

It has come to the attention of the Department of Building and Housing that some building consent authorities (BCAs) do not appear to fully understand the specific provisions under the Building Act 2004 (the Act) that relate to consent conditions and notations.

The Department would like to clarify the requirements of the Act in relation to conditions and notations.

The Act states specifically that conditions can be placed on a building consent, but only in relation to those specifically required by the Act under sections 67, 73, 75, 90 and 113. These sections are broadly described in 'Building Consent Conditions under the Act'. The Department's view is that these sections aim to prevent other conditions being imposed on building consents that fall outside the stated parameters.

However, it would appear that some BCAs sometimes use consent conditions to make up for inadequate and deficient consent documentation supplied by consent applicants. The Department does not consider this practice to always be

appropriate or consistent with the Act. The onus is on the consent applicant to provide this information when the consent is lodged to enable the BCA to consider Building Code compliance and subsequently approve or decline the consent.

Consent conditions or notations placed on consents can also sometimes conflict with the original design. By requiring a specific means of compliance the BCA risks taking on the role of the designer.

Another area where consent conditions are sometimes being used inappropriately by some BCAs is conditions that relate to the project information memorandum (PIM), for example conditions that refer to district plan requirements and land information or to local bylaws. Again, such conditions on building consents are not provided for under the Act.

However, the Department appreciates that restricting the use of consent conditions to the ones provided for under the Act does not always work in the 'real' world. Therefore, we suggest that BCAs might like to consider placing building consent requirements not provided for under the Act or specific council requirements in a separate section of the approved consent clearly identifying them as advisory notes, as this is about as much status as they can sometimes warrant.

There are also significant benefits to be gained by requiring the correct information up front. Complete consent applications with good-quality documentation enable BCA staff to process applications much more quickly and cost effectively. This will also aid the decision-making process to approve consents, which in turn will speed up the approval process and hopefully also reduce some costs. Initially, this might mean that councils will have to adopt a stricter approach when assessing consent applications for lodgment by rejecting incomplete applications.

The 2004 Act places more emphasis on building consent documentation that clearly demonstrates how compliance with the Building Code will be achieved than the former Building Act 1991 did. This change also supports the Department's reasoning that conditions should be limited to those required by the 2004 Act. Under the Building Act 1991, this particular statutory decision was at times being compromised; that is, many building consents were being issued that did not establish Building Code compliance for which councils had to make up by covering them in building consent conditions, notations and stamps.

Remember it is the designer's responsibility to design a project that illustrates code compliance, not a BCA. A BCA should check or verify compliance not design it.

Building Consent Conditions under the Act

- Section 67 of the Act allows a BCA that is a TA to impose any appropriate conditions on a building consent that is relevant to a waiver or modification of the Building Code.
- Section 73 requires a BCA that is a TA that grants a building consent under section 72 to include, as a condition of the consent, the requirement to notify the consent to those persons applicable that are listed in section 73(1)(a), (b) and (c).
- Section 75 requires a TA to state in a PIM that, as a condition for granting a building consent, one or more of the allotments specified by the TA must not be transferred or leased except in conjunction with any specified other or others of those allotments. In practice, this condition is in the form of a certificate that must be lodged with the Registrar-General of Land (refer to section 77).
- Section 90 states that every building consent is subject to the condition that agents authorised by the BCA are entitled to inspect building work (subject to the other requirements in section 90). This can also mean that, where the building work requires a third party to certify that the building work complies with the plans and specifications, then this could be conditioned as part of the building consent. For example:
 - an accredited body is required to certify the installation of an alarm system designed and installed to NZS 4512:2003
 - energy works certificates are required from appropriate people (licensed electricians and gasfitters)
 - verification from the design engineer (or an appropriately qualified person) is required to confirm an assumption made in the engineering calculations for the foundation design.
- Section 113 of the Act enables a TA to grant a building consent for a building with a specified intended life subject to (a) the condition that the building must be altered, removed or demolished on or before the end of the specified life and (b) any other conditions that it considers necessary.

NATIONAL BCA COMPETENCY ASSESSMENT SYSTEM PROJECT UPDATE

In October 2009 the Department began a project to work with the sector to develop a national competency assessment system for building control staff in BCAs. The Department has established a small project team to review existing work and develop a system which builds on existing systems. A sector advisory group has also been established to

review the work and ensure the final product meets the needs of the sector.

Project objectives

The project objectives are:

To develop a national competency assessment system which

- builds on existing work
- streamlines existing systems
- facilitates interoperability between BCAs
- ensures where possible alignment with other activities such as the licensed building practitioner scheme and national building control qualifications
- increases standardization and consistency of competency assessments
- improves BCAs efficiencies and cost effectiveness.

Project Deliverables

- standardised competency levels
- competencies and performance indicators/performance measures
- a suite of assessment methods, tools, resources and guidelines
- a moderation process
- development of training material for competency assessors.

The benefits of the project

As the system becomes operational around the country, key benefits will be standardisation, facilitation of resource sharing, and the elimination of duplication of effort, improved consistency, improved risk management and national alignment with other key activities. The project should also help ensure BCA staff build credibility with licensed building practitioners and other building professionals who under-go competency assessments to a national standard.

Progress

A system based around three residential and three commercial competency levels has now been developed and tested with eleven BCAs around the country. BCAs were chosen to reflect the range of BCAs operating from the large metros down to the smaller rural provincial councils. A set of assessment tools and resources have also been tested and guidance needs identified.

The proposed model builds on the successful features of previous models and includes a description of competency levels for residential and commercial work, a competency specification

for each competency level and simple flow charts to identify competency levels to allocate work.

Feedback from the pilot is being collated and will be reported to the Sector Advisory Group for their review in March. The Advisory Group will be asked to support a final system design and have input into implementation planning.

A more detailed update will be provided at the BOINZ conference including the final competency levels and an overview of the assessment system and transition pathways.

The Project Team has included:

- Steve Garner, Project Manager - DBH
- Peter Sparrow, Senior Advisor Performance Monitoring & Review - DBH
- Paul Hobbs, Advisor Performance Monitoring & Review – DBH
- Beryl Oldham, People Capability Manager – North Shore City Council
- Rose McLaughlan, Managing Director – NZ Building Inspection & Training Ltd
- Keith Smith, Building Consultant – Alpha Building Consultants Ltd
- Rosemary Hazelwood, National Training Director – Building Networks Ltd

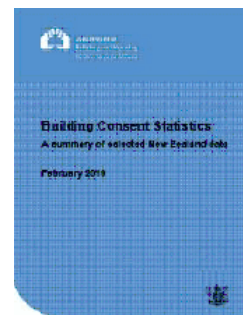
The Sector Advisory Group has included:

- Bob de Leur, Manager Building Policy – Auckland City Council
- Richard Toner, Chief Building Officer – Wellington City Council
- Jeff Farrell, Manager Development & Compliance – Whakatane District Council
- Bevan Smith, Director – Professional Building Consultants
- Irene Clarke, Manager Environment and Regulation – Local Government New Zealand
- Geoff Hallam, Technical Development and Regulatory Affairs Manager – IANZ
- Mark Scully, Manager Building Practitioners Licensing Group – DBH
- Steve Garner, Project Manager - DBH
- Malcolm MacMillan, Manager Consent Authority Performance – DBH (Chair of Advisory Group)

For further information on this work please contact Steve Garner, Project Manager National Competency Assessment System, Department of Building & Housing, on email steve.garner@dbh.govt.nz

PERFORMANCE IMPROVEMENT LESSONS FROM THE FORMAL COMPLAINTS ABOUT BUILDING CONSENT AUTHORITIES - REPORT

The Department recently published a report on the last 61 formal complaints received about building consent authorities' (BCAs) performance.



The report provides a summary of the key themes across all the formal complaints received by the Department for the period May 2006 to December 2009. Specifically, it outlines:

- key messages and learning's for BCAs on each of the themes identified
- where staff working in building control can access further 'best practice' guidance, advice and reference information relevant to the issues raised by the complaints
- practical recommendations and solutions for improving overall BCA performance in the wider building control system.

This report currently resides on the Department's website at www.dbh.govt.nz/consumer-complaints

Why did the Department release this information?

We believe that sharing the performance improvement lessons identified in the report with all BCAs and relevant industry stakeholders provides the opportunity for learning and performance improvement, and hopefully some prevention in future of reoccurrence of the same types of issues that resulted in complaints. Noting that many of the issues raised remain current today and are applicable to a number of BCAs, hence the sharing of these learnings with them.

The report and its performance improvement learnings are aimed primarily at building control officials/building control and regulatory services managers in BCAs/Councils. However, it also aims to assist parts of the wider building and construction sector (eg: designers) to better understand the most common issues raised in complaints to the Department and how to help prevent these in future.

Key findings, learnings and performance improvement opportunities

The review of the last 61 formal complaints identified a number of common issues across BCAs. Specifically, BCAs can improve their performance of statutory building control functions by:

- increasing their knowledge and understanding of the specific requirements of the Building Act 2004 and associated Building Regulations
- increasing consistency in applying their building control systems, processes and procedures
- improving communication of information requirements to building consent applicants. There should be sufficient clarity in communication/s to ensure that applicants understand what staff are asking them to provide, why the information is needed, and how the information is relevant to compliance checking. All too often BCA requests for further information are inadequate.
- improving guidance to building consent applicants on BCA requirements for consenting (including the consenting, processing and inspection and approval process) and also on timing requirements
- ensuring that BCA staff are appropriately allocated to building control work that aligns to their skills and competencies. Too often BCA staff are still assigned work that is outside their technical abilities
- strengthening systems and procedures for vetting and accepting consent applications to ensure that all applications have appropriate supporting documentation. Staff need to 'get tough' and have robust consent lodgement and vetting processes, that reject poor and inadequate applications at the front-end of the consenting process. This can often be the best customer service approach as it makes it clear who and where the work is still required to be done, and usually saves consent processing time in the long run
- improving the recording of key decisions, their rationale and outcomes to ensure that they are documented by staff in sufficient detail and effectively communicated to applicants/practitioners
- implementing effective peer review processes for internal and contracted out building control work to ensure quality and consistency
- contracting in specialist technical expertise when staff do not have the necessary skills for the technically complex building consents. This is not always happening where it should. BCAs can't know, and be experts at everything, and need to have on tap and utilise specialist technical expertise
- implementing an effective BCA enquiries and complaints management process and to respond promptly to any enquiry or complaint received.

BUILDING ACT AND BUILDING REGULATIONS HELPLINE

The Department's Consent Authority Capability and Performance Group continue to offer a free helpline for building officials' enquiries about the Building Act and Building Regulations. You can email us at info@dbh.govt.nz or phone 0800 242 243 and ask for the Consent Authority Capability and Performance Group.

Please address your email enquiry to this group, provide all of your contact details, and explain your question fully. Like you, staff in the group are very busy and it can take a day or two to respond to individual enquiries as we fit these enquiries in around other activities.

Our message to Building Officials is utilise this free service or we risk losing it.

Consent Authority Capability and Performance Group

Department of Building and Housing
PO Box 10-729, Wellington 6143
Telephone: 0800 242 243

WHO'S WHO IN THE CONSENT AUTHORITY CAPABILITY & PERFORMANCE GROUP

The Consent Authority Capability and Performance Group is part of the Department of Building and Housing's Sector Capability Branch. The Group is responsible for a number of functions focusing on the local government building control sector, including:

- monitoring and reviewing the performance of building consent authorities, territorial authorities and regional authorities
- administering the building consent authority accreditation and registration scheme, including the statutory relationship with IANZ
- helping build the capability of the building control sector by developing guidance material, and providing advice, support and training to building officials
- managing and investigating complaints about the performance of BCAs and following up on dangerous and insanitary building notifications made to territorial authorities
- developing operational policy on new regulatory reforms and implementing these into the building control sector.

Group members include:

Malcolm MacMillan

Manager Consent Authority Capability and Performance Group

Malcolm has been with the Department in various leadership roles for the past six years. Prior to joining the Department, Malcolm worked in the building industry for 15 years in a number of different roles, including as a technical and audit advisor for the former Building Industry Authority and Department of Internal Affairs, as a private building certifier, registered building surveyor, architectural designer and business manager.



has worked with a range of BCAs from around the country to help them work towards accreditation. Steve has an extensive senior management, change management and relationship management background spanning both the private and public sectors and has worked at both the local government, regional and national level. Steve has worked with accredited and certified quality management systems in previous roles. Steve is currently leading a project to develop a national competency assessment system for BCAs.

Lana Johnson

Group Administrator/PA to Malcolm MacMillan

Lana joined the Department in February 2009. Before joining the Department, Lana lived in North Carolina and worked for a land development company for two years as an Assistant Accountant and an Executive Assistant to the Vice President. Lana attended North Carolina State University where she earned a Bachelors Degree in Accounting.



Henry Dowler

Senior Advisor BCA Accreditation & Registration

Henry is a public policy specialist and project manager. Since 1995, he has gained a range of experiences in senior advisory, analytical and management roles in both the public and private sectors. Prior to 1995, Henry had a 15-year career in



local government in various public health and building-related roles. Henry's role within the Group includes relationship management with IANZ, undertaking research, developing operational policy advice, consultation papers and guidelines relating to many aspects of building control, accreditation and registration.

Brent Bainbridge

Senior Advisor, Compliance

Brent joined the Department in February 2009. Prior to joining the Department, Brent worked in the Banking and Financial sector for 13 years working in roles requiring a strong relationship management and stakeholder engagement focus. This experience encompassed roles in Project Management, Business Process Re-engineering, Policy, Risk Management and more recently Internal Audit. Brent holds a degree in Political Science and Public Policy / Policy Analysis from Victoria University. Brent administers, amongst other things, the Department's BCA complaints and investigations functions.



Inka Gliesche-Humphris

Senior Advisor Sector Support

Inka has been with the Department since April 2007 carrying out technical reviews and providing guidance and advice to the building control sector. Inka currently leads the group's major guidance projects. Before joining the Department Inka obtained a degree in architecture and has worked as an architectural designer in private practice and as a building official for local government.



Steve Garner

Project Manager, National BCA Competency Assessment System

Steve has been involved with BCA accreditation since November 2006 and



The Performance Monitoring and Review Team

within the Consent Authority Capability and Performance Group is responsible for building control sector performance monitoring and reviews. It undertakes technical reviews to determine how well organisations are undertaking their regulatory building control functions. These reviews are the main way that the Department monitors and reviews territorial authorities' regulatory activities. This team also helps develop guidance material, tools and resources and responds to enquiries from building officials about the Building Act and Building Regulations.

Members of this team also assist IANZ with their accreditation assessments by providing technical building control expertise. The Performance Monitoring and Review Team is managed by Peter Sparrow.

Peter Sparrow

Senior Advisor Performance Monitoring & Review

Peter has worked for the Department for the last five years undertaking technical reviews and accreditation assessments, developing guidance and providing support and advice to the building control sector. Prior to working for the Department, Peter was employed for a short while by the former Building Industry Authority to undertake technical reviews. Peter has held various positions in the building industry over the past 15 years including being a building official with local government, a building certifier in the private sector, a Royal Engineer in the NZ Army, and a carpenter in private practice.



practices and as a building official in local government.

Paul Hobbs

Advisor Performance Monitoring and Review Paul has been with the Department since September 2008, as an Advisor in the Performance Monitoring and Review Team,

carrying out technical reviews, accreditation assessments, and providing guidance and advice to the building control sector. Paul has 15 years' experience in the building industry, most recently working as a building official and team leader for local government. Paul is a trade qualified carpenter and holds a diploma in construction management.



Mike Reedy

Advisor Performance Monitoring and Review

Mike has been with the Department since January 2008 as an Advisor in the Performance Monitoring and Review Team, carrying out technical reviews, accreditation assessments, and providing guidance and advice to the building control sector. Before joining the Department Mike worked in the building industry in a number of different roles for the past 20 years. These have included as a plumbing and drainage tutor at Weltec, a building official for local government and a craftsman plumber.



Gary Higham

Advisor Performance Monitoring and Review

Gary joined the Department in June 2008 as an Advisor in the Performance Monitoring and Review Team, carrying out technical reviews, accreditation assessments, and providing guidance and advice to the building control sector. Prior to joining the Department, Gary worked in the building industry for 20 years as both an architect in public and private



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