



Department of  
Building and Housing  
*Te Tari Kaupapa Whare*

# Building consent authority accreditation and registration scheme update – good progress being made

October 2007



Territorial authorities continue to make good progress towards accreditation.

As at 15 October five territorial authorities had been accredited by International Accreditation New Zealand (IANZ), 15 others had completed their full on-site assessment and 36 had completed the pre-assessment stage and were preparing for full assessment.

Sixteen territorial authorities and one regional authority were at earlier stages of assessment. Two regional authorities had yet to apply for accreditation, while nine others – and one territorial authority – were in the process of transferring their building control functions to an accredited and registered building consent authority.

Four private organisations are also being assessed for accreditation.

This update provides further guidance and progress reports to territorial and regional authorities on:

- a regulation-by-regulation summary of areas where assessments have shown a need for greater compliance with the requirements of the Building (Consent Authority Accreditation) Regulations 2006
- the key components of a competency assessment system and the need to have completed a significant number of assessments before being assessed for accreditation
- the Government's accreditation assistance package
- the development of building consent authority registration regulations

- the development of 'adequate means' requirements for private building consent authorities
- the requirements for issuing project information memoranda (PIMs) for dams.

## SUMMARY OF ASSESSMENT FINDINGS

### Regulation 5: Requirements for policies, procedures and systems

This regulation requires that the building consent authority's policies and procedures are appropriate for their organisation. The test of appropriateness is viewed on a case-by-case basis. For example, what may be appropriate for a small, rural building consent authority may not be appropriate for a large metropolitan authority. If a policy or procedure is outside the provisions of the Building Act 2004 it will not be considered appropriate.

### Regulation 6: Building consent authority's observance of policies, procedures and systems

Uncertainty over the requirements of this regulation, specifically 6(b), (c) and (d), is common. The regulation requires building consent authorities to clearly document the key decisions they make when fulfilling their responsibilities, the reasons for those decisions and their key outcomes.

This is to ensure there is a sound audit trail. It does not mean every single minor decision needs to be documented, as that would be administratively onerous if not impossible.

A basic rule is to ensure adequate information is provided in the building consent file for a person with no prior knowledge of the consent to understand, from the documents, the chain of events, key decisions along the way, their outcomes and the reasons why. Adequate documentation will also enable building consent authorities to justify their decision-making if a query or dispute arises.

## **RECORDING KEY DECISIONS, REASONS AND OUTCOMES**

A broad range of decisions could be covered by regulation 6.

- **Processing applications for building consents:**
  - vetting decisions about whether to accept or reject building consent applications
  - assessing applications for compliance with the requirements of the Building Act and all clauses of the Building Code
  - assessing information received in support of a building consent application (such as alternative solutions or producer statements) and the rationale for accepting or rejecting them
  - making requests for further information/suspensions, and the reasons why
  - making waivers or modifications
  - project information memorandum (PIM) requirements, even though PIMs are a territorial and regional authority, rather than a building consent authority, function
  - decisions around changes of use relating to buildings
  - alterations to existing buildings (upgrades)
  - natural hazards
  - building on two or more allotments
  - preparation of compliance schedules
  - imposing building consent conditions
  - identifying inspections that are needed
  - granting and issuing building consents.
- **Inspecting building work:**
  - deciding what constitutes an amendment (minor/significant changes)
  - issuing notices to fix, the reasons why, what remedial actions are required
  - following up on outstanding matters
  - documenting findings of inspections and compliance decisions (eg, whether the building work complies with the Building Code, and why)
  - deciding the amount of information that should be recorded (discussions, observations, instructions etc).
- **Certifying building work:**
  - checking whether all specified systems installed in the building are operational
  - checking conditions have been met
  - checking that all as-built documentation has been received
  - checking all records are complete
  - checking all inspections have been undertaken
  - issuing compliance schedules and compliance schedule statements
  - issuing code compliance certificates (CCCs).
- **Decisions made under other regulations, including:**
  - decisions under the building consent authority's building control policies and processes (see regulation 7)
  - allocation of processing or inspection work to only those competent to undertake it (see regulation 9)
  - results and outcomes of competency assessments (see regulation 10)
  - training plans and training/professional development undertaken (see regulation 11)
  - how contractors are selected, and assessment of their competency (see regulation 12)
  - key staffing and resourcing decisions (see regulations 12–15)
  - quality assurance decisions and actions (see regulation 17).

These lists are not exclusive. Building consent authorities may choose to record information on other decisions, where those decisions are relevant to the level and type of building control work they undertake.

## **EXAMPLES OF THE LEVEL AND QUALITY OF INFORMATION TO BE RECORDED**

Here are examples for five of the key decision areas identified above.

### **Vetting decisions about building consent applications**

This could include notes from the lodgment officer or building official as to why a consent application was rejected (eg, where information provided with the application was insufficient or of poor quality).

These notes could be recorded in a variety of ways, such as on a lodgment vetting form or tracking sheet, or as part of the building consent authority's formal communication with the applicant on the status of their consent application. More specific information as to why the application was rejected should also be provided in these notes. For example, a lodgment officer might indicate in their vetting notes that the application was rejected as no contour lines or drainage services had been detailed on the site plan. All reasons for an application being rejected should also be communicated to the applicant and a copy of this communication kept on the consent file.

### **Requests for further information and suspensions**

Records for this might be in the form of a file note outlining a conversation between the applicant and processing officer detailing the additional information required before the building consent application can be processed further. A letter should be sent to the applicant requesting further information, with the results of this request noted in the records. This could consist of a file note indicating when the applicant provided the additional information and whether the processing officer considered this information adequate, and why.

### **Determining what constitutes an amendment (minor or significant change)**

If an inspection reveals that a very minor and insignificant change to the building consent plans has occurred on site, a decision may be taken not to require a formal amendment to the consent. In such cases the inspector should complete a field inspection note outlining the change, the reasons why a formal amendment was not required and the rationale for this decision.

The note should also outline any instructions given to the builder/owner to provide as-built documentation (eg, amended plans to show the change).

### **Amount of inspection information recorded (eg, discussions, observations and instructions)**

Inspectors should use a risk management and common-sense approach to documenting inspection findings, focusing on the key compliance issues and clearly detailing what was approved/not approved and reasons for such decisions. If an inspector is undertaking a cladding inspection, for example, notes on key risk areas, confirmation about flashings being installed, critical compliance conversations held with contractors and any new instructions would be appropriate. It would also be useful to record information on who undertook different aspects of the work, including details of licensed building practitioners (note this is not proposed to be a mandatory requirement under the Building Act until 2010), and confirmation that the consented system is being used and installed correctly. Additionally, when the inspector refers to technical literature on site during their inspection to help establish compliance, this could also be clearly noted in inspection files – for example 'checked the system's technical literature on site, am satisfied that it is being installed correctly and building compliance has been achieved'.

### **Checking all inspections have been undertaken**

It is important that a final, paper-based review of the consent is undertaken by a technically competent building official to ensure all relevant inspections have been undertaken and all necessary as-built documentation has been received and checked. A consent tracking sheet could be used to record that a final review of inspections and as-built requirements has been completed by a technical person as part of the Code compliance review and sign-off approval process. This sheet should identify who undertook the review, what they reviewed and any outcomes/decisions (ie, Code compliance was approved or additional information was requested).

## QUESTIONS TO CONSIDER

As noted earlier, building consent authorities should implement systems for recording information appropriate to the level and type of building control work they undertake. The following questions may help organisations to assess whether their systems and processes are appropriate. Being able to answer them and provide IANZ with objective supporting evidence will help demonstrate compliance with regulation 6(b), (c) and (d).

- What decisions do you record?
- Are there any gaps when compared to the decisions suggested in this and other Department guidance?
- How do you ensure decisions are consistently recorded, and include their reasons/justifications and main outcomes (eg, using tools such as checklists)?

## Regulation 7: Performing building control functions

All of the regulations described from this point on must be read alongside the regulation 6 requirements relating to decision-making.

Regulation 7 covers: the provision of information to the public; the core processes of receiving, processing and granting consents; inspecting building work; issuing CCCs; and the handling of inquiries and complaints.

A building consent authority needs to ensure the requirements of regulation 6 are met for each of the core process areas.

A building consent authority needs to have a documented system for assessing and accepting producer statements. The system should identify the different types of producer statement and the weight the statement is given, if any, in making a compliance decision. The competency of the producer statement's author needs to be assessed by the building consent authority. Conversely, when a producer statement and an inspection are used to ascertain compliance, the competency assessment of the statement's author is less important. A number of building consent authorities use producer statement lists or records as a way of keeping track of producer statement authors whom they have already assessed and receive statements from regularly.

A building consent authority complaints system should identify when a complaint should exit the building consent authority system and enter the territorial authority system.

Most building consent authorities use checklists for processing building consents and performing inspections. Reasons for making decisions should be recorded on the checklists.

### **Regulation 8: Ensuring sufficient employees and contractors**

Consent and CCC processing times are used as surrogate measures of sufficient capacity. Where statutory timeframes are not consistently met, a building consent authority will be asked to identify the reasons, to develop an action plan for dealing with the issues, and to demonstrate that this plan has been effective at reducing processing times over a period of usually 2 or 3 months.

IANZ also expects the building consent authority to have a system in place for monitoring processing times for consents and for issuing CCCs. Many building consent authorities use daily or weekly reporting to track processing times.

Inevitably, many building consent authorities will need to increase staff numbers if capacity issues are affecting their ability to meet their statutory obligations under the Building Act or achieve compliance with accreditation regulations.

### **Regulation 9: Allocating work to competent employees or contractors**

This regulation needs to be read in conjunction with regulation 10, which relates to establishing the competence of staff and contractors. To test the allocation methodology, a significant number of full competency assessments need to have been completed.

### **Regulation 10: Establishing and assessing the competency of employees**

To be assessed, a building consent authority must have completed a significant number of competency assessments. For a small building consent authority this will usually mean assessing all staff. For a medium-to-large building consent authority a sample of competency assessments will need to be completed for a range of staff and contractors. This should include:

- a sample of staff working across the range of categories of work normally certified by the building consent authority

- a range of inspectors, including relatively new staff and more experienced senior and skilled staff
- all technical leaders, building consent authority administration and customer services staff, and key contractors who work under the building consent authority's policies, procedures and systems.

The competency of the assessor must be at least equivalent to, if not higher than, that of the person being assessed. Evidence of the competency of the assessor will also be required.

A competency assessment framework must comprise at least the following components.

- Core criteria as set out in regulation 10(3) (a-f)
- A test of technical knowledge relevant to the categories of work undertaken and for both acceptable and alternative solutions
- A record of qualifications, training and experience
- A record of observations of work completed

Both the output – for example, a skills matrix – and the assessment process records need to be available to IANZ during an assessment.

### **Regulation 11: Training employees**

The specific requirements of the training system are set out in regulation 11. Assessors are finding that some elements of the required system are missing. The system should capture formal training, such as attendance at courses, conferences and seminars, as well as informal learning activities, such as peer review activities and other one-on-one activities. It may also include presentations made by other staff members about particular technical aspects of a job or records of regular in-house technical meetings.

### Regulation 13: Ensuring technical leadership

Regulation 13 requires building consent authorities to have a system for identifying named individuals. It is not sufficient simply to identify job roles or positions.

Regulation 13 provides:

A building consent authority must have a system for—

- (a) identifying employees and contractors who are competent to provide technical leadership; and
- (b) giving the employees and contractors the powers and authorities to enable them to provide the leadership.

The purpose of the 'system' is to assess whether a person, or persons, is competent to perform the role of a technical leader. This requires a documented process and procedure by which suitable individuals are identified as being appropriate to fill the role of technical leader, or leaders, as is expected for larger organisations.

Regulation 13 then needs to be read in conjunction with regulation 6, and in particular regulation 6(d), which requires the outcome of the decisions to be recorded. This should result in the building consent authority, having followed its system for identifying technical leaders, recording which particular employees and contractors are to perform these roles.

It is not sufficient simply to identify a number of technical leadership roles or positions (eg, 'Team Leader Inspections'). Rather, identifying these roles or positions forms part of regulation 15, which requires a building consent authority to record its organisational structure and the roles of its employees and contractors.

Regulation 13 requires a building consent authority to 'identify' technical leaders by name. This is because positions or roles can exist but can be left vacant for long periods, especially in a sector that is critically under-resourced.

### Regulation 14: Ensuring necessary resources

A building consent authority is required to identify equipment and resources necessary to undertake inspections. This will include measuring equipment such as tape measures, ground probes, thermometers, digital cameras and moisture meters. IANZ will expect the building consent authority to have a record of having:

- identified the measurements undertaken when performing an inspection
- identified those measurements critical to compliance decisions – for example moisture readings or temperature
- determined the level of accuracy required for each measurement
- determined an appropriate method of performing calibrations where these are warranted (eg, moisture meters)
- justified the period between calibrations
- identified calibrated equipment
- maintained calibration records.

### Regulation 16: Filing applications for consents

The system required by this regulation needs to identify the content of a building consent file. Because this may be variable, it is sufficient to identify the minimum content of the file.

A decision needs to be documented identifying whether the paper copy or electronic copy of the building consent file is definitive, and when this might change during the consent process. For example, some building consent authorities maintain a paper file until a CCC is issued, after which the file is scanned and becomes electronic.

Care must be taken to ensure electronic files record original dates and not dates that records became electronic or were stored.

## **GUIDANCE ON THE ACCEPTANCE OF PRODUCER STATEMENTS BY BUILDING CONSENT AUTHORITIES**

Under the now repealed Building Act 1991, producer statements were a defined means of helping provide evidence to territorial authorities' building control departments (now building consent authorities) of compliance with the Building Code.

In practice, there has been over-reliance on producer statements without sufficient scrutiny of the author, content or accuracy of the statements being made, with the result that many decisions based on such statements were not robust. The Hunn Report on the Weathertightness of Buildings and technical reviews and determinations conducted by the Department have been critical of this over-reliance.

Producer statements remain in wide use today and can cover a extensive range of building activity, such as insulation installation, plastering, plumbing and drainage, alarm installations and structural work to name but a few examples. These statements are written by a wide range of practitioners, from specialist tradespeople to professional engineers and architects.

They can also cover work relating to a variety of different building control situations, from statements associated with design proposals and design reviews, to statements made by practitioners who have constructed, installed or inspected completed building work.

Producer statements have no specific status under the Building Act 2004. However, because of their wide use, it is likely they will continue to be used as a mechanism for helping establish compliance with the Building Code in some circumstances. Building consent authorities need to have confidence that the authors of producer statements have appropriate experience and competence in their field(s). They also need to assess the content and accuracy of the statements before considering them.

Acceptance of producer statements by building consent authorities is discretionary. Each must decide whether to accept them and decide how much weight, if any, a producer statement will be given in the certification process.

## **Responsibility for compliance**

A building consent authority is solely responsible for deciding it is satisfied on reasonable grounds that building work complies with the Building Act and the Building Code. For example, section 49 of the Act requires that a building consent authority must grant a building consent if it is satisfied on reasonable grounds that the provisions of the Building Code would be met if the building work was properly completed in accordance with the plans and specifications. Likewise, section 94 requires a building consent authority to be satisfied on reasonable grounds that building work complies with the building consent prior to issuing a code compliance certificate.

The Act also requires building consent authorities to be accredited and registered as such, with appropriate policies, procedures and systems documenting their building control functions, as outlined in this update.

A building consent authority may decide to use information in a producer statement from a suitably qualified and experienced person to help it to decide whether it is satisfied on reasonable grounds that the provisions of the Building Code have been met. This person may be an engineer or an architect. This person may also come from a variety of other building trades and professions depending on the nature of the work covered by the producer statement.

Building consent authorities that use producer statements are required by the accreditation regulations to document their processes and requirements surrounding their assessment and use.

One reason for this is that liability for any defective buildings may fall on a building consent authority. Liability is not necessarily avoided, even if other parties, such as a chartered professional engineer or an architect, provide a producer statement. Thus, it is incumbent on the building consent authority to establish robust processes to help them make decisions on reasonable grounds that building work is compliant.

## Guidance on use of producer statements

Based on findings of technical reviews the Department has conducted, and on the requirements for accreditation, the Department recommends that building consent authorities' formal policy and procedures for assessing and accepting producer statements should include the following.

- **Information requirements**
  - cover the form and content of each producer statement
  - outline requirements for supporting documentation (such as engineers' design calculations, which should always be supplied with producer statements).
- **Author assessment**
  - guide the assessment of producer statement authors' competence and suitability
  - cover how the building consent authority intends to use any external information, such as statutory registers, to help determine practitioner competence and suitability as a producer statement author.
- **Decision-making**
  - cover decision-making surrounding producer statement acceptance
  - ensure producer statements contain adequate and specific detail when deciding what weight to give them
  - outline processes for maintaining an audit trail of evidence for each decision involving producer statements and their use.
- **Other matters, if applicable**
  - detail compliance with the Building Code's durability provisions (otherwise this aspect of compliance will need to be assessed separately in some other way)
  - ensure consideration is given to how any assumptions that might be made by a practitioner in a producer statement will be validated on site (eg, assumed soil conditions).

The Department is currently developing a guidance document that will include use of producer statements.

## Author assessment

Building consent authorities should have policies that guide the assessment of producer statement authors' competence, experience and fields of practice. These policies should also cover how the building consent authority intends to use any external information, such as statutory registers, as part of this assessment.

In practice, most building consent authorities already maintain details about local producer statement authors, which will allow them to assess the scope of each author's knowledge, skill and experience.

The Chartered Professional Engineers of New Zealand Act 2002 (CPEng Act) requires rigorous competency testing when engineers apply to become registered. Applicants must agree to be bound by the CPEng standards that incorporate by reference the code of ethics for CPEngs. As part of the code of ethics, CPEngs are not permitted to misrepresent their competence, must undertake engineering activities only within their competence and must not allow engineers whose work they supervise to breach either of these requirements.

Architects must also meet a minimum standard for registration, including demonstrating that they are able to practice competently to the standard of a Registered Architect. They are also bound by a Code of Minimum Standards of Ethical Conduct for Registered Architects. The Code covers misrepresentation, upholding the law and standards related to the client. However, there is no specific requirement regarding representation of competence.

It is up to individual building consent authorities to decide – and their approach should be documented in their policies – whether to use information on these statutory registers, and what other supporting information they also rely on.

## GENERAL ASSESSMENT GUIDELINES

A number of building consent authorities have alerted their wider territorial authority staff and their building community that an assessment for accreditation has been scheduled and that this may disrupt their normal routines. For example, a building consent authority may wish to, and it is encouraged, to have all staff present at the accreditation assessment entry and exit meeting, and will therefore avoid scheduling inspections for those times.

Assessors need to observe the work of inspectors as part of the assessment process. It is good practice for the inspector to introduce the assessment team to any tradespeople on site. Inspectors, after checking the approved documents on site, should explain to the assessment team how they are undertaking a particular inspection, the critical elements they are assessing and should discuss their findings with the team. This avoids the assessment team having to 'second-guess' what the inspector is doing and helps demonstrate the inspector's technical competence. No individuals are named in the assessment report.

There are three possible outcomes to an assessment.

1. Accreditation may be recommended on completion of the assessment. However, because of the newness of the regulations and the building consent authority systems required by the regulations, this is very unlikely.
2. Corrective actions will be raised against areas of non-compliance. These corrective actions need to be cleared before accreditation can be offered.
3. A partial or full re-assessment may be required. Where this has occurred it has mainly been due to a lack of preparedness, insufficient records having been developed using the new system or insufficient competency assessments having been completed.

## ACCREDITATION ASSISTANCE PACKAGE

Case advisors continue to work proactively with building consent authorities to assist with finalising the implementation of new systems and processes, provide staff training and share information and experiences from other building consent authorities.

The case advisor portfolios have been consolidated and building consent authority management should have met their new case advisor if there has been a change.

The Department is currently reviewing the work the assistance package will fund from now on, given the extension from 30 November 2007 to 30 June 2008 in the timeframe for registration of building consent authorities. Funding criteria will also be reviewed.

As at 1 October \$2.2 million has been used to assist building consent authorities to become accredited.

Good use is being made of the Local Government New Zealand information-sharing website (<http://www.lgnz.co.nz/projects/building-consent/AccreditationResourceKit.html>). Dozens of examples, ranging from equipment calibration policies to code compliance certificate procedures and self-auditing processes, are available but building consent authorities are advised to talk to their case advisor to help identify the material that would best suit their specific needs.

## CASE ADVISOR PORTFOLIOS

CASE ADVISOR	TERRITORIAL/REGIONAL AUTHORITY	CASE ADVISOR	TERRITORIAL/REGIONAL AUTHORITY	
Andrew Minturn andrew.minturn@dbh.govt.nz	Manawatu District Council	Roger Austin raustin@kol.co.nz	Hamilton City Council	
	Palmerston North City Council		Hauraki District Council	
Roger Austin raustin@kol.co.nz Andrew Minturn andrew.minturn@dbh.govt.nz	Auckland City Council		Matamata-Piako District Council	
	Far North District Council		Otorohanga District Council	
	Franklin District Council		Thames-Coromandel District Council	
	Kaipara District Council		Waikato District Council	
	Manukau City Council		Waipa District Council	
	North Shore City Council		Waitomo District Council	
	Papakura District Council		Rosemary Hazlewood rosie@bnets.co.nz	Central Hawke's Bay District Council
	Rodney District Council			Gisborne District Council
	Waitakere City Council	Hastings District Council		
	Whangarei District Council	Kawerau District Council		
Kevin Smith kevin.sylvia@xtra.co.nz	Buller District Council	Napier City Council		
	Central Otago District Council	Opotiki District Council		
	Clutha District Council	Rotorua District Council		
	Dunedin City Council	South Waikato District Council		
	Gore District Council	Taupo District Council		
	Grey District Council	Tauranga City Council		
	Invercargill City Council	Wairoa District Council		
	Lakes Environmental Ltd	Western Bay of Plenty District Council		
	Queenstown Lakes District Council	Whakatane District Council		
	Southland District Council			
Westland District Council				

CASE ADVISOR	TERRITORIAL/REGIONAL AUTHORITY	CASE ADVISOR	TERRITORIAL/REGIONAL AUTHORITY
<b>Murray Sim</b> murray.sim@axist.co.nz	Auckland Regional Council	<b>Steve Garner</b> steve.garner@dbh.govt.nz	Carterton District Council
	Chatham Islands Council		Hutt City Council
	Environment Bay of Plenty		Kaikoura District Council
	Environment Canterbury		Kapiti Coast District Council
	Environment Southland		Marlborough District Council
	Environment Waikato		Masterton District Council
	Greater Wellington Regional Council		Nelson City Council
	Hawke's Bay Regional Council		Porirua City Council
	Horizons Regional Council		South Wairarapa District Council
	Northland Regional Council		Tasman District Council
	Otago Regional Council		Upper Hutt City Council
	Taranaki Regional Council		Wellington City Council
	West Coast Regional Council		<b>Steve Mazey</b> steve@stimpson.co.nz
<b>Neil Kirk</b> neil.kirk@lsiconsultants.com	Ashburton District Council	New Plymouth District Council	
	Christchurch City Council	Rangitikei District Council	
	Hurunui District Council	Ruapehu District Council	
	Mackenzie District Council	South Taranaki District Council	
	Selwyn District Council	Stratford District Council	
	Timaru District Council	Tararua District Council	
	Waimakariri District Council	Wanganui District Council	
	Waimate District Council		
	Waitaki District Council		

## REGISTRATION REGULATIONS

Regulations prescribing building consent authority registration standards and criteria, registration application forms and the application fee payable by any private organisation seeking registration as a building consent authority have now been notified in the *Gazette*. The regulations come into force on 1 November 2007.

The Department will shortly write to all local authorities and other stakeholders explaining key provisions in the regulations. As soon as the regulations are in force, the Department will begin registering accredited building consent authorities. This will involve the Department:

- checking and updating general information it already holds, and collecting any necessary additional information (eg, a copy of a valid accreditation certificate)
- issuing a notice of registration and entering the name and other details of the registered authority on the public register of building consent authorities.

Subject to building consent authorities' timely submission of their accreditation certificate, registrations will occur in the order that building consent authorities achieve accreditation.

## ADEQUATE MEANS REQUIREMENTS FOR PRIVATE BUILDING CONSENT AUTHORITIES

Submissions closed on 21 September 2007 on the Department's consultation paper *Private Building Consent Authority 'Adequate Means' and Civil Liability Insurance Proposals*.

The term 'adequate means' relates to consumer protection requirements in the Building Act. Private organisations may not be registered as a building consent authority unless they satisfy the Department that they have adequate means to meet any civil liabilities that may arise from their building control functions.

The main proposals in the consultation paper were for regulations to be made prescribing minimum terms and conditions for private building consent authority civil liability insurance policies, including requirements that the policies provide:

- cover for claims arising in the year the policy applies (annual 'claims made' cover)
- 10 years' forward cover for claims arising out of building control work undertaken during the year that the policy applies ('claims incurred' cover, which would continue to apply even if the private building consent authority ceased operating during that 10-year period)
- where applicable, run-off cover purchased in advance for claims made in future years arising out of building control work undertaken in past years (ie, retrospective forward cover).

The next step is for the Department to make recommendations to the Government based on the consultation paper's proposals. The proposed regulations are likely to come into force in early 2008.



## Are you a building control expert?

Would you or your organisation like:

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

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

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

Accreditation is a specialised activity. It involves a team of expert assessors who review consent documents and inspection records, make site visits of completed buildings, interview people, accompany staff on inspections and prepare reports. An assessment team will consist of a lead assessor who has accreditation and management systems expertise and technical experts. The technical experts will have detailed knowledge and experience of the Building Act, Building Regulations, Building Code and building control systems. For more detail on the building consent authority accreditation scheme refer to [www.dbh.govt.nz](http://www.dbh.govt.nz)

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

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

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

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

Please send the application form and supporting information to:

Geoff Hallam  
Programme Manager – Inspection Body Accreditation  
International Accreditation New Zealand  
Private Bag 28908, Remuera, Auckland 1136  
Email: [ghallam@ianz.govt.nz](mailto:ghallam@ianz.govt.nz)  
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Phone: 09 525 6655



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

### Technical Expert Specification

#### Introduction

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

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

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

#### Qualifications and skills

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

#### Relevant experience

A technical expert must have the following experience:

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

#### Knowledge, skills, and technical competence

A technical expert must have a comprehensive knowledge of the:

- (a) Relevant technical requirements of building consents being processed, inspected, signed off, and approved and the significance of any noted observations.
- (b) Relevant legislation, specifications, and other reference documents (eg, Building Act 2004, Building Regulations, the Building Code, other related legislation such as the Local Government Act 2002, and the Resource Management Act 1991, the Fire Service Act, relevant standards, manufacturer's instructions, technical literature, product appraisals, etc.).
- (c) Quality assurance system principles and the application of these to building consent authority systems.
- (d) Building (Accreditation of Building Consent Authorities) Regulations 2006.
- (e) Duties and responsibilities of a technical leader/manager, building official and trainee building official.

A Technical Expert participating as a member of an accreditation assessment team must also have:

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

#### Formal qualifications

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

#### Continued professional development

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

## **DAM PROJECT INFORMATION MEMORANDA REQUIRED FROM REGIONAL AUTHORITIES**

Since 31 March 2005, regional authorities have been responsible under the Building Act 2004 for several building control functions associated with dams. These include a requirement to issue project information memoranda (PIMs) for proposed building work relating to a dam.

The roles of building consent authorities, territorial authorities and regional authorities in relation to dams are outlined in section 14 of the Act, with sections 31 to 39 setting out the requirements for PIMs.

If the proposed building work relates to a dam, sections 31 to 39 apply as if every reference to a building consent authority or territorial authority also includes a reference to a regional authority. Section 31 therefore requires that a building consent authority must, on receiving an application for a building consent relating to a dam, apply for a PIM to both the territorial authority and the regional authority. These requirements apply irrespective of whether the building is wholly or partly a dam. To be clear, there are two PIMs required – one from the regional authority and one from the territorial authority.

The requirements do not apply if both PIMs have been issued before the application for a building consent is made.

Building work associated with dams includes work on appurtenant structures – ie, structures integral to the proper functioning of the dam. The New Zealand Society of Large Dams Guidelines 2000 identify that an appurtenant structure includes, but is not limited to, facilities such as intake towers, powerhouse and pump house structures, tunnels, canals, penstocks, low-level outlets, surge tanks and towers, gate hoist mechanisms and their supporting structures, and all critical water control and release facilities. Mechanical and electrical control, and stand-by power supply equipment located in the powerhouse or in remote control centres, are also appurtenant structures.

These PIM requirements are in force now – they are not contingent on the transfer of building consent authority functions associated with dams to regional authorities. All building consent authorities processing building consent applications for dams should therefore continue to ensure that a PIM is obtained from their local regional authority as well as from their territorial authority.

### Further information

Further information about the building consent authority accreditation scheme is also available on the Department's website at [www.dbh.govt.nz/bofficials-bca](http://www.dbh.govt.nz/bofficials-bca)

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

For general enquiries about the building consent authority accreditation and registration scheme or the accreditation assistance package, please contact one of the following people at the Department of Building and Housing.

Building Consent Authority Accreditation and Registration Project  
Consent Authority Capability and Performance Group  
Department of Building and Housing  
PO Box 10-729, Wellington  
Website: [www.dbh.govt.nz](http://www.dbh.govt.nz)  
Telephone: 0800 242 243

#### **Malcolm MacMillan**

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

#### **Andrew Minturn**

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

#### **Zoe Dryden**

Project Manager  
BCA Assistance Package  
[zoe.dryden@dbh.govt.nz](mailto:zoe.dryden@dbh.govt.nz)

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

International Accreditation New Zealand (IANZ)  
Private Bag 28-908, Remuera, Auckland  
Website: [www.ianz.govt.nz](http://www.ianz.govt.nz)  
Telephone: (09) 525 6655

#### **Geoff Hallam**

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#### **Chris Astbury**

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

Further information about regulatory responsibilities relating to dams and regional authorities' building control functions can be obtained from Hassan el Maaroufi ([hassan.el.maaroufi@dbh.govt.nz](mailto:hassan.el.maaroufi@dbh.govt.nz)) or Andrew Minturn ([andrew.minturn@dbh.govt.nz](mailto:andrew.minturn@dbh.govt.nz)) or by phoning them at 0800 242 243.