



Department of  
Building and Housing  
*Te Tari Kaupapa Whare*

# **Technical Review Summary Report**

**of the performance of Gisborne District Council's  
Compliance Schedule and Building Warrant of  
Fitness functions**

**November 2009**



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# Important notice to readers of this report

This report is to be used only by building consent authorities or territorial authorities for the purpose of improving their building control operations.

The report may not be used by any other person for any purpose. In particular, the report may not be used as evidence:

- of the compliance or non-compliance of a particular building with the Building Code
- that the building consent authorities or territorial authorities under review have failed to exercise reasonable care when carrying out their functions.

An owner of a building considered as part of a technical review should seek advice from an independent building expert and/or a legal expert regarding any issues that might arise from the review, such as compliance with the Building Code.

## **The purpose of technical reviews**

The Department of Building and Housing (The Department) carries out technical reviews as part of its function to monitor, review and improve the performance by building consent authorities, territorial authorities, and regional authorities of their functions under the Building Act 2004.

The purpose of a technical review is to monitor and assist the building consent authority, territorial authority, or regional authority under review to improve its building control operations.

A technical review is not a comprehensive audit. It is a performance review based on a snapshot in time of information about the building control activities of the building consent authority, territorial authority, or regional authority. It cannot be taken as a full and comprehensive assessment of the competency and quality of those activities. A technical review is carried out by:

- assessing whether the processes and procedures used by the authority under review are sufficient to enable it to satisfy the requirements of the Building Act 2004, Building Regulations, and the Building Code
- providing advice and assistance on best practice building control to help the authority under review achieve an effective building control procedure that is consistent with national best practice
- enabling the Department of Building to receive feedback from the authority under review about its practical operations, ability to assess building compliance, and the role of the Department in the regulatory process.

# 1 Overview

## Purpose and scope

This report sets out the key findings and recommendations from a technical review of Gisborne District Council's building control operations. The review was undertaken by the Department of Building and Housing (the Department) in January 2009.

The review primarily focused on how the Council was undertaking some of its statutory responsibilities under the Building Act 2004 – specifically around compliance schedules, specified systems, and building warrants of fitness.

More generic issues such as the capacity and technical capability (competency) of the Council's building control unit were also considered, along with the Council's relationship with building control units in other territorial authorities.

At the same time the Department also reviewed three neighbouring councils - Hastings District Council, Napier City Council and Wairoa District Council.

## Reasons for the review

The Department undertook the review because it considered that councils across the country needed to strengthen how they were managing compliance schedules, specified systems, and building warrants of fitness. Such areas had been identified by industry experts and previous technical reviews undertaken by the Department throughout New Zealand.

The implementation of the building consent authority accreditation scheme had also identified a need for councils, industry professionals, and building owners to better understand their responsibilities under the Building Act 2004<sup>1</sup>. For example, around three-quarters of building consent authorities needed to improve their policies and procedures for issuing (or refusing to issue) code compliance certificates, compliance schedules, and/or notices to fix.<sup>2</sup>

Another common problem was a lack of systems for compliance schedules to define who had authority to issue these documents, and to ensure compliance schedules were attached to the code compliance certificates and met the requirements of the Building Act 2004.

## Key findings

The review found that the Council was performing reasonably well in a number of areas. For example it:

- had an appropriate organisational management structure and was properly delegating the relevant statutory powers and responsibilities considered in this review
- accurately collected and reported the building control statistics considered in the review

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<sup>1</sup> This scheme is one of a number of reforms introduced by the Building Act 2004 to help improve the control of, and encourage better practice and performance in, building design, regulatory building control and building construction. Information about the scheme is available at: [www.building.dbh.govt.nz](http://www.building.dbh.govt.nz)

<sup>2</sup> *Summary of findings report: 2007/08 building consent authority accreditation assessments*. Published by the Department in November 2008 and available at: [www.building.dbh.govt.nz](http://www.building.dbh.govt.nz)

- proactively informed building owners of their obligation to renew building warrants of fitness that were nearing expiry and provided guidance outlining the building owner's responsibilities in relation to a compliance schedule and the future requirements surrounding the issue of a building warrant of fitness
- had implemented a compliance schedule and specified systems form to obtain better and more timely information from consent applicants/owners in conjunction with building consent applications (some improvements could still be made as noted under terms of reference 4.4)
- received producer statements, commissioning (third-party verification) documents and the like for specified systems before the code compliance certificate was issued
- was generally issuing certificates of public use appropriately when public buildings were to be occupied prior to the issue of a code compliance certificate
- had a sound system for receiving, assessing, and inspecting building warrants of fitness (although some suggestions to strengthen this are made under terms of reference 4.6)
- had external technical input on specialist technical issues as and when required
- had recently placed a greater degree of importance on building warrant of fitness and compliance schedule training

The review identified four significant areas where the Council needed to strengthen and improve its operations. Addressing these issues will enhance the quality of service to customers, alleviate confusion for building owners and IQPs, and assist the sector to comply more consistently with the Building Act 2004. These areas were:

- knowledge, understanding and application of statutory responsibilities in relation to compliance schedules, specified systems, and building warrants of fitness
- documentation around building control decision-making
- effective systems, policies, and procedures in relation to compliance schedules, specified systems, and building warrants of fitness
- capacity and technical capability of the Council.

Some of the key findings for Gisborne District Council under the four areas noted above are summarised as follows.

#### Knowledge, understanding and application of statutory responsibilities

The review highlighted that some areas of the Building Act 2004 and Building Regulations needed to be more thoroughly understood and consistently applied by Council building control staff. Some examples are noted below:

- The Council's vetting procedures need to be more robust and staff more vigilant in ensuring that building consent applications have all the relevant information and documentation on specified systems, as well as the proposed inspection, maintenance and recording procedures, before accepting building consent applications.
- The certificates and documents issued by the Council need to consistently include all the relevant information and correctly identify the specified systems rather than use generic descriptions.
- The Council needs to review how it is responding to the number of buildings that do not have current building warrants of fitness within its district, and consider using the enforcement actions available in the Building Act 2004 when necessary.

### Documentation around building control decision-making

The review found there was a need to strengthen how key regulatory decisions were being recorded by Council staff. In some cases there was only limited evidence on file to show:

- how the Council's documented procedures were followed
- the reasons for decisions and the supporting evidence
- the actual decisions that were made or whether any follow-up action was required or had occurred.

### Effective systems, policies, and procedures

Systems, policies and procedures that needed improvement and more effective implementation included the following.

- Monitor all functions that include specified systems to ensure compliance schedules fully comply with the provisions of the Building Act 2004. This process needs to include all the explicitly linked building consent processes of vetting, processing, inspecting and certifying.
- Procedures for issuing certificates for public use need to cover timeframes, conditions and follow up or enforcement activity.

### Capacity and technical capability

The following issues were identified regarding the Council's capacity and technical building control capability (competency) (see parts 4.9 and 4.10 of this review's terms of reference).

- At the time of the Review visit (January 2009) the Council was performing to statutory timeframes for building consents (due mostly to the downturn in building activity). Follow-up and enforcement actions relating to buildings without current building warrants of fitness were proactively being addressed by the Council's audit process. Technical staff need adequate administrative resources to support their roles. The Council needs to ensure it has adequate staff resources to fulfil its responsibilities in administering the Building Act 2004.
- The Council also needs to improve its competency assessment and training processes to better identify and manage gaps in its technical knowledge and ability relating to specified systems, to ensure consistent compliance with the Building Act 2004.

### **Recent initiatives**

Since the Department's visit the Council advised it had:

- reconciled building warrant of fitness dates with the compliance schedule anniversary dates as the building warrants of fitness are renewed
- amended its forms (eg, building consent and code compliance certificate) to contain all the required information in the same order as it appears on the prescribed form. When required, attachments such as a compliance schedule now accompany a code compliance certificate
- included the approval year of the standard where performance standards are referred to in the compliance schedule

- amended the commercial processing check-list form to include all Building Code clauses
- attached a plan to compliance schedules showing means of escape, signage, passive fire protection, backflow prevention or other systems that may not be readily identifiable on-site
- amended compliance schedules so that building systems/features that are not specified systems under the Building Act 2004 (eg, safety barriers, fire hose reels and the like) are clearly identified as non-specified systems.

The Department would like to thank the Gisborne District Council's building control management and staff for their cooperation and assistance during the review.

## 2 Roles of the Department of Building and Housing and the Council

### **The Department's role**

The Department of Building and Housing (the Department) is responsible for conducting technical reviews of territorial authorities and building consent authorities. This is part of its wider statutory responsibilities for building and housing, and administration of New Zealand's building legislation. In summary, the Department's key building control functions include:

- advising the Minister for Building and Construction on matters relating to building control
- administering and reviewing the Building Code
- producing Compliance Documents that specify prescriptive methods as a means of complying with the Building Code
- providing information, guidance, and advice on building controls to all sectors of the building industry and consumers
- implementing, administering and monitoring a system of regulatory controls for a vibrant, innovative sector with skilled building professionals
- making determinations, or technical rulings, on matters of interpretation, doubt, or dispute relating to compliance with the Building Code or certain decisions of building consent authorities and territorial authorities.

### **Role of the Consent Authority Capability and Performance Group**

The Department's Consent Authority Capability and Performance Group are responsible for technical reviews. The Group's broad functions include:

- monitoring, reviewing and improving performance outcomes of the regulatory building control system
- managing and strengthening relationships with building consent authorities, territorial authorities, regional authorities, and other key industry stakeholders
- providing advice and guidance to the regulatory building control sector.

### **Role of territorial authorities**

The core building control functions of a territorial authority under the Building Act 2004 include:

- issuing project information memoranda
- granting building consents where the consent is subject to a waiver or modification of the Building Code
- issuing certificates of acceptance
- issuing compliance schedule statements
- amending and issuing amended compliance schedules

- granting waivers and modifications (with or without conditions) of building consents
- issuing notices to fix
- administering annual building warrants of fitness
- enforcing the provisions relating to annual building warrants of fitness
- deciding the extent to which certain buildings must comply with the Building Code when they are altered, their use is changed, or their specified intended life changes
- performing functions relating to dangerous, earthquake-prone or insanitary buildings
- determining whether building work is exempt from requiring a building consent under Schedule 1(k) of the Building Act 2004
- carrying out any other functions and duties specified in the Building Act 2004.

### **Role of building consent authorities (that are territorial authorities)**

Building consent authorities (that are territorial authorities) perform the following functions:

- inspect building work for which they have granted a building consent
- issue notices to fix
- issue code compliance certificates
- issue compliance schedules
- receive, consider, and make decisions on applications for building consents within set time limits
- determine whether applications for a building consent subject to a waiver or modification of the Building Code, or any document for use in establishing compliance with the Building Code, should be granted or refused
- ensure compliance with the Building Code and Building Regulations.

### **Gisborne District Council**

The Gisborne District Council's region is located in the northeastern corner of the North Island and is also referred to as the East Cape. It is a sparsely inhabited and relatively isolated region, with small settlements along the eastern coastline including Tokomaru Bay and Tolaga Bay. The region's estimated population at June 2008 was 46,000, with almost three quarters of those living in the city of Gisborne.

The Council's offices are located in Gisborne at the north end of Poverty Bay. The region's predominant industries include agriculture, horticulture, farming and forestry. Wine production has also experienced a rapid rise in recent years. Quite a number of buildings associated with these industries contain specified systems which require compliance schedules.

On 20 December 2007, the Gisborne region was struck by an earthquake that registered 6.8 on the Richter scale. Three buildings in the central business district were substantially damaged and many others experienced varying degrees of structural damage. At the time of the Department's technical review visit, the majority of remedial works to these buildings were either complete or close to completion.

## 3 Process

### Purpose of technical reviews

Technical reviews are undertaken to monitor and assist building consent authorities and territorial authorities to fulfil their obligations under the Building Act 2004. The review is a tool that helps such organisations to:

- enhance the performance of their building control activities
- implement appropriate systems, processes, and resources so they can carry out their building control operations
- effectively fulfil their obligations under the Building Act 2004 and Building Regulations.

Technical reviews also examine whether these authorities have the appropriate systems and resources to enable their building control personnel to undertake their work effectively and efficiently.

Technical reviews are not intended to evaluate the performance of individual staff and are not comprehensive audits involving detailed examinations of all aspects of a territorial authority's building control operations. Nor do they assess the territorial authority against a particular model or expressly measure it against the performance of other territorial authorities.

### Legislative basis

This review was initiated under sections 204 and 276 of the Building Act 2004. It is a function of the Chief Executive to monitor and review the performance of territorial authorities and building consent authorities to determine whether they have properly exercised their powers and performed their functions.<sup>3</sup>

### Scope of the review

This review's terms of reference covered 11 areas, which collectively covered the key components of the Council's territorial authority functions. The terms of reference are set out below.

### Figure 1: The terms of reference for the technical review

4.1	Organisational and management structure
4.2	Consent statistics
4.3	Statutory timeframes – sections 102, 104, 104A and 108(3)
4.4	Building Act requirements – compliance schedules
4.5	Building Act requirements – amending a compliance schedule
4.6	Building Act requirements – annual building warrant of fitness
4.7	Private cable cars (section 100)

<sup>3</sup> The Building Act 2004 is available at [www.legislation.govt.nz](http://www.legislation.govt.nz)

4.8	Independent qualified person register
4.9	Human resources
4.10	Technical knowledge and ability of staff
4.11	Access to and storage of compliance schedule and building warrant of fitness documentation

## Method

The Department used four broad approaches to gather information about the Council's building control activities. These were:

- observe staff undertaking work
- review written material used and produced by staff (eg, policies, procedures, processing checklists and records, manuals and approved consent documentation)
- interview staff about their use of material and their work
- assess a random sample of building projects (case studies) that were handled by the territorial authority or building consent authority, just before or during the review visit.

For this review, three case studies of processed commercial/ industrial building consents were undertaken to assess compliance with the Building Act 2004 and its associated Regulations, with particular focus on specified systems, compliance schedules and building warrants of fitness requirements.

Building consent records were reviewed to assess the adequacy and effectiveness of the Council's systems. Aspects considered were the adequacy and completeness of approved documentation (in particular, the adequacy of the compliance details), the assessment of building consent documentation, and the effectiveness of quality control systems.

## 4 Technical review findings and operational building control recommendations

### 4.1 Organisational and management structure

#### Purpose

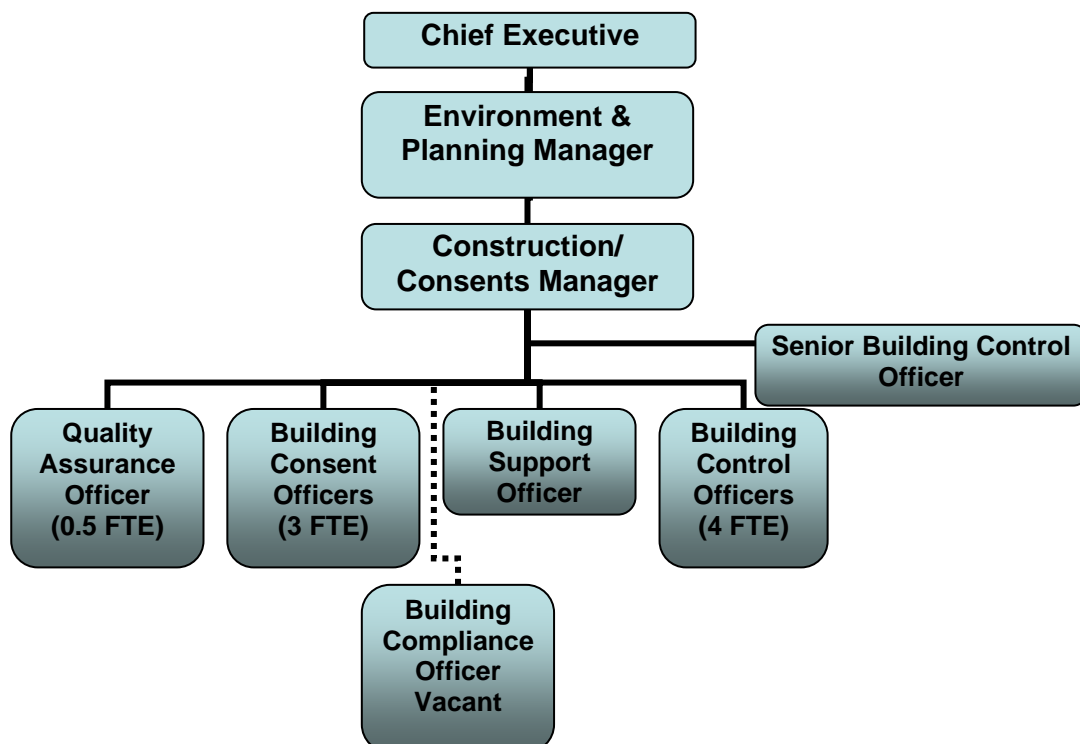
To examine the organisational and management structure of the Council's building control operations, consider how it delegates legislative powers, duties, and responsibilities, and identify any issues with its efficiency.

#### Background

Section 232 of the Building Act 2004 states that clause 32 in Schedule 7 of the Local Government Act 2002 applies. This covers territorial authorities' broad powers of delegation.

#### Findings

**Organisational chart  
Gisborne District Councils Building Control <sup>4</sup>**



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Denotes building control staff who have some involvement in building warrant of fitness and compliance schedule functions. (FTE) full-time employee or part thereof.

The Council staff involved in the compliance schedule and building warrant of fitness system had delegated authority under section 232 of the Building Act 2004. Building control staff that enter land and carry out inspections are currently authorised under section 222.

Council enforcement officers are yet to be authorised and warranted under section 229 to issue infringement notices under section 372. The Council was in the process of adopting a policy and procedure for issuing infringement notices at the time of the Review team's visit.

## **Conclusion**

The Council's organisational management structure and delegation of powers and responsibility were found to be appropriate.

## 4.2 Statistics

### Purpose

To review a series of building control statistics to provide an indication of the volume and type of work the Council manages.

### Findings

<b>12 month period ending December 2008 (unless stated otherwise)</b>
1450 building consents issued
Total value of consented construction work was \$76,064,190
1200 code compliance certificates issued
3750 live building consents
17 compliance schedules issued
414 buildings had a compliance schedule
272 current building warrants of fitness
10 <sup>5</sup> certificates of acceptance issued
9 <sup>6</sup> certificates for public use issued
Nil <sup>7</sup> audits of building warrants of fitness carried out
113 compliance schedules did not have a current compliance schedule statement or current building warrant of fitness

The Review team was concerned at the number of compliance schedules that did not have a current building warrant of fitness or were no longer covered by a compliance schedule statement (Section 4.6 refers to this in more detail).

The Council had systems in place to report on and collect statistics that assisted them in performing the duties and functions of the Building Act 2004.

### Conclusion

The Council was recording statistics appropriately.

<sup>5</sup> Information dates from January 2008/2009 period.

<sup>6</sup> Information dates from February 2008/2009 period.

<sup>7</sup> At January 2009 the Council was in the process of recommencing building warrant of fitness inspections.

### **4.3 Statutory timeframes – sections 102, 104, 104A and 108(3)**

#### **Purpose**

To assess how well the Council is meeting the statutory timeframes for issuing compliance schedules and monitoring the timeliness of owners providing building warrants of fitness.

#### **Background**

The Building Act 2004 specifies a range of requirements for a building consent authority regarding compliance schedules. Section 102 requires building consent authorities to issue compliance schedules with code compliance certificates (or an amended compliance schedule) if required as a result of building work.

Section 104 of the Building Act 2004 requires a building consent authority to provide a copy of the compliance schedule to the territorial authority within five working days of issuing the compliance schedule. Section 104A requires a territorial authority that receives a copy under section 104 to, within five working days after receiving it, provide the owner with a compliance schedule statement (as described in section 105(e))<sup>8</sup>.

A building warrant of fitness must be supplied by the owner to the territorial authority on the prescribed form on each anniversary of the issue of the compliance schedule (section 108(3)). Section 110 requires the owner to keep written reports for two years, together with the compliance schedule.

#### **Findings**

The case studies generally related to processes that were in place in 2006–2008. It was found that sometimes a compliance schedule was issued either before or after the code compliance certificate, which is contrary to the requirements of section 102(1) of the Building Act 2004. This matter is further discussed in section 4.4 of this report.

At the time of the Review it was found that the Council had addressed this issue as part of the building consent authority accreditation process. Generally the compliance schedules (and compliance schedule statements) are now issued with the code compliance certificate.

As noted in section 4.2 of this report there were 113 buildings where the building owner had not provided the building warrant of fitness at the anniversary date of the issue of the compliance schedule or the building had no current compliance schedule statement. This was contrary to the requirements of section 108 of the Building Act 2004 and requires urgent attention.

#### **Conclusion**

At the time of the Review visit the Council was meeting the statutory timeframes for compliance schedule and compliance schedule statement issuing, but some building owners were failing to provide the Council with a building warrant of fitness in

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<sup>8</sup> This five working day requirement was only from 15 March 2008. Previously it was implicit that the statement be issued with the compliance schedule.

accordance with the statutory timeframes outlined in section 108 of the Building Act 2004.

<b>Recommendation 1</b>	
<b>The Department recommended that the Council:</b>	<b>Response from the Council:</b>
<b>Ensures building owners supply a building warrant of fitness to the Council on the anniversary of the compliance schedule and in accordance with section 108 of the Building Act 2004.</b>	<b>The Council advised that building warrant of fitness dates are being reconciled to the anniversary dates as they are renewed. Overdue warrants will be the first priority for the new building compliance officer who was due to be appointed in late October 2009.</b>

## 4.4 Building Act requirements – compliance schedules

### Purpose

To examine the Council's compliance schedule system to determine if it has appropriate checks and balances to ensure that compliance schedules are issued in accordance with the requirements of the Building Act 2004.

### Background

Sections 100 to 107 of the Building Act 2004 set out the particular requirements about compliance schedules, including the responsibilities for owners of commercial, institutional, and industrial buildings, and for territorial authorities and building consent authorities. In summary, buildings with certain specified systems such as fire alarms and lifts require them to be listed on a compliance schedule. The owner must ensure continued effective operation of those systems and demonstrate this by displaying a current building warrant of fitness in their building.

### Findings

#### Policies and procedures

The Council had appropriate compliance schedule policies and procedures in their *Building Consent Authority Manual*. However, some of these systems could be improved by implementing the recommendations made at the end of section 4.4.

#### Public information

The Council's information pamphlet titled *Do you need a compliance schedule or warrant of fitness for the building?* provided useful information about compliance schedules, independently qualified persons and building warrants of fitness. The pamphlet also provided a contact telephone number if there was a specific query in relation to compliance schedule and building warrant of fitness matters. The information in this publication was generally appropriate, but there was no comment on compliance schedule amendments. These pamphlets were available in hard copy and on the Council's website.

The Council's publication titled *Obtaining a building consent-commercial buildings* also provided some useful compliance schedule information, but it was more focused on the wider topic of obtaining a building consent for a commercial building.

#### Building consent application

The Council's application form for PIM/Building Consent (Form 2) was generally in accordance with the prescribed form, but unlike other Council documentation the form did not include cable cars as a specified system.

The Council had implemented a specific form that applicants must complete when a compliance schedule is required. This compliance schedule form was generally found to be fit for purpose and included all specified systems as defined in the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005. Although the Council did not have any cable cars in their district

they have been proactive and have included cable cars<sup>9</sup> as a specified system. The Council's form could be improved by including:

- The performance standards as required by section 103 of the Building Act 2004. The Council's form sometimes nominates New Zealand standards, and in other cases no performance standard is required to be added. Note that performance standards are not just limited to New Zealand standards.
- In accordance with the Department's guidance for compliance schedule documentation<sup>10</sup> the Council should also consider attaching relevant plans and specifications to the compliance schedule.

Ultimately, a Council must be satisfied that any compliance schedule it issues complies with the Building Act 2004, Building Code and the Regulations.

### Building consent processing

The Council had a commercial consent processing check-list. This form included an assessment of most Building Code clauses, however it did not provide for clauses F1, F2, F3, F5 and G15. It was unclear how these clauses were assessed. No prompts had been provided on the check-list and there was nowhere on the form where a tick could be entered to indicate these items had been assessed as compliant.

If the building requires a compliance schedule, the processing officer completes the compliance schedule processing check-list form. This form provided a series of prompts for specified systems and the status of compliance schedule documentation. The form also asked if the applicant had completed the form for compliance schedule details, which was considered to be a good cross-check of specified systems that are to be removed, altered and installed as part of the building work.

Once both forms are completed a draft compliance schedule is developed by the processing officer.

The checks and balances undertaken during the processing of a building consent were found to be generally adequate. Some aspects of the compliance schedule process needed further consideration, including the following.

- Adequately addressing items which are required to be listed under section 103 of the Building Act 2004. The draft and issued compliance schedules sighted by the Department consistently failed to list specified systems accurately. The performance standards for specified systems were not quoted correctly and the inspection, maintenance, and reporting procedures were not listed.
- The processing check-list did not provide for an assessment of all Building Code clauses.
- Compliance schedule descriptions of specified systems were not site-specific. They were generic and did not accurately reflect or relate to the actual systems installed on-site. For example, the description provided in CS2318 'Automatic or manual emergency warning system for fire and other dangers' did not specify if the systems were for fire, smoke or gas detection. It should be more specific and expand on the type of alarm installed (eg, type 2 to NZS 4512:2003). All relevant inspection, maintenance and reporting procedures should also be listed to ensure

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<sup>9</sup> Cable cars became recognised specified systems on 31 March 2008 as part of the Building Amendment Act 2005.

<sup>10</sup> Compliance Schedule Handbook- <http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Building-Act/Compliance-Schedule-Handbook.pdf>

these systems are capable of, and are, performing to the performance standards they have been designed and installed to.

The Department considered that the assessment of specified systems did not adequately address section 103(1)(a), (b) and (c) of the Building Act 2004.

#### Building consent issuing

Section 51 of the Building Act 2004 requires a council to issue a building consent with certain information. The building consents reviewed did not list the specified systems or their relevant performance standards. If a compliance schedule is required as a result of building work, then the building consent must state what the specified systems are, and the performance standards the specified systems are designed to (eg, the relevant New Zealand or international standard, where applicable, and the date of that standard, such as, NZS 4512:2003).

The Department considers it good practice to also include an alert on the building consent to advise what documentation is to be provided by the applicant or their agent in relation to specified systems, before the code compliance certificate is issued. Such documentation might include third-party certification from an accredited inspection body verifying that the installed fire alarm system meets the required performance standard.

#### Inspections of building work

Inspection site notes were found to be generally thorough. They included comment on matters such as checking passive fire safety features (eg, tags on fire doors), inspecting air-conditioning units, requesting completion certificates for fire alarm installation and inspecting penetrations through fire walls on a means of escape. But in some cases the inspecting officer had overlooked exit signage on a designated means of escape and wrongly identified some specified systems.

The building consent records provided evidence that producer statements, commissioning documents and the like were received for specified systems before the code compliance certificate was issued.

It was found that the code compliance certificate (Form 7) generally complied with the prescribed form as set by the Building (Forms) Regulations 2004 and stated that the specified systems in the building were capable of performing to the performance standards set out in the building consent. Though, as noted previously the compliance schedule was sometimes not issued with, or attached to, the code compliance certificate as required by the Building Act 2004 and Regulations.

#### Certificate for public use

The Department found that the Council was generally issuing certificates of public use appropriately. However, on one occasion the Council was found to have issued a compliance schedule and compliance schedule statement prior to the code compliance certificate being issued. This was contrary to the Building Act 2004 requirements and raises concerns over the way specified systems are being managed during the certificate of public use process. Section 102 of the Building Act 2004 requires a compliance schedule to be issued with the code compliance certificate.

## Compliance schedule statement and compliance schedule

On a number of occasions the Department found that the Council had failed to issue a compliance schedule in accordance with the requirements of section 102 of the Building Act 2004. The Council was found to have issued compliance schedules both before and after issuing a code compliance certificate. In some instances there was a three- to four-day lag either side of the date of code compliance certificate issue. Section 102 of the Building Act 2004 requires that a compliance schedule be issued with the code compliance certificate, when a compliance schedule or an amended compliance schedule is required as a result of building work.

The specified systems listed in the compliance schedules and compliance schedule statements were described generically rather than site-specific. For example, the description 'electro-magnetic or automatic doors or windows' was sometimes used, without specifically identifying what system was installed, and to what performance standard. From the information provided it was not known if the doors were automatic sliding doors, revolving doors, access-controlled doors, interfaced fire or smoke doors or windows.

Section 103 of the Building Act 2004 states the content required for a compliance schedule. The performance standards were not adequately described (eg, the relevant New Zealand or international standard, where applicable, and the date of that standard, such as, NZS 4512:2003). The level of information which should be entered on a compliance schedule is described in the Department's *Compliance Schedule Handbook*<sup>11</sup>.

One of the case study buildings contained a wide range of specified systems, some quite complex in design. Interfacing between some specified systems was also apparent, which meant that one system was reliant on another in order to operate and function correctly. The level of information contained in the compliance schedule was very limited and in some instances inaccurate.

Though not a requirement of the Building Act 2004, good practice suggests that each compliance schedule should be issued with a floor plan indicating where specified systems are located within the building. Fire and smoke separations, and exit signage should also be detailed. This guidance is in line with the Department's *Compliance Schedule Handbook* that is available on the Department's website.

It was noted that where standards were referred to in the compliance schedule, the approval year of the standard was omitted (eg, NZS 4512:2003). This is important as independently qualified persons or licensed building practitioners could in the future consider compliance with new revised standards that were not applicable at the date of design or installation. It was found that several options of standards for the maintenance of the specified systems were included (eg, 'in accordance with NZS 4512 or AS 2220 and AS 1851.10' for emergency warning system). Designers need to nominate what standard the specified system is designed to so that compliance with the Building Code can be assessed.

Some compliance schedules were found to include systems/ features that are not recognised as specified systems under the Building Act 2004 or in the Regulations (eg, safety barriers and hand held hose reels for fire fighting). If these systems/

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<sup>11</sup> To view this guidance document follow this link to the Department's website:  
<http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Building-Act/Compliance-Schedule-Handbook.pdf>

features are to remain on the compliance schedule they should be listed separately as non-specified systems.

The compliance schedule and the compliance schedule statement were issued with a covering letter from Council which outlined the building owner's responsibilities in relation to compliance schedule and the future requirements for issuing a building warrant of fitness. The information was found to be both informative and legislatively correct. The Department acknowledges that the Council has been proactive in creating targeted guidance to educate building owners of their compliance schedule, compliance schedule statement and building warrant of fitness obligations under the Building Act 2004.

## Conclusion

The Council needs to strengthen its compliance schedule procedures and consistently apply the requirements of the Building Act 2004 as recommended below.

<b>Recommendation 2</b>	
<b>The Department recommended that the Council:</b>	<b>Response from the Council:</b>
<b>Reviews and updates their public information to include compliance schedule amendments.</b>	<b>The Council advised it was using a brochure that was recommended at the time of the review, but was willing to update if required.</b>
<b>Reviews and updates Form 2 to include cable cars as a specified system.</b>	<b>The Council advised that the Form 2 is a cluster group document and there has been resistance from the rest of the group to including this category of specified system. The Council thanked the Department for the recommendation as it may precipitate change.</b>
<b>Ensures the Council's forms (eg, its building consent and code compliance certificate) are not misleading and contain all the required information in the same order as it appears on the prescribed form. When required, attachments such as a compliance schedule must always accompany a code compliance certificate.</b>	<b>The Council advised it had actioned this recommendation.</b>
<b>Ensures the building consent applicant or their agent provides a proposed inspection and maintenance procedure for each specified system with the building consent application.</b>	<b>The Council advised it was using the documentation recommended during the review. They also acknowledged that educating applicants to fill forms correctly was an ongoing problem.</b>

Reviews and updates the compliance schedule processing check-list to ensure the reason for achieving compliance has been recorded for each specified system.	The Council advised the reasons for achieving compliance are in the Council's fire design and peer review documentation. Other specific design checks are undertaken in accordance with the Councils in-house procedure (T.27) and signed off thereafter by the building processing officer <sup>12</sup> .
Issues compliance schedules and compliance schedule statements in accordance with the Building Act 2004 timeframe requirements.	The Council advised that there were some small discrepancies with their processes. However, systems were being developed to eliminate these discrepancies.
Ensures performance standards are referred to in the compliance schedule and include the approval year of the standard.	The Council advised this recommendation had been actioned.
Ensures compliance schedules contain site-specific information on the type of specified systems and their particular inspection and maintenance requirements.	At 16 October 2009 the Council advised this recommendation was under action and the education of applicants is ongoing.
Include with the building consent details of what documentation is to be provided, in relation to certification for specified systems during construction, before the code compliance certificate is issued. Such documentation would include commissioning results, test reports and third-party certification from mutually agreed parties.	The Council advised this was happening in some cases, but ongoing building control officer training was required to gain full compliance.
Ensures compliance schedules and compliance schedule statements are issued in accordance with the Building Act 2004 timeframes as required by sections 102(1) and 104A respectively.	The Council advised it always issues within timeframes required by the Building Act 2004 <sup>12</sup> .
Ensures appropriate consideration of public safety is assessed when issuing a certificate for public use and that decisions are consistently recorded.	The Council advised that it considers public safety issues to be paramount. Consequently, the recording of decisions around these matters has been improved.
Amends the commercial processing check-list form so it provides for an assessment of all Building Code	The Council advised it has added the missing clauses. B1 has always been there but in a separate structural area

<sup>12</sup> Department comment: This process and its associated outcomes were not always clearly identifiable during the technical review of the Council.

<p><b>clauses. Alternatively, provide a space on the form where the Building Code clauses not covered can be assessed.</b></p>	<p><b>to reflect the importance of this Building Code clause.</b></p>
<p><b>Attaches a plan to the compliance schedule showing means of escape, signage, passive fire protection, backflow prevention or other systems that may not be readily identifiable on-site.</b></p>	<p><b>The Council advised this recommendation has been actioned.</b></p>

## 4.5 Building Act requirements – amending a compliance schedule

### Purpose

To examine the Council's process for amending compliance schedules.

### Background

Section 45(1)(g)(ii) of the Building Act 2004 requires that, if an amendment to an existing compliance schedule is required as a result of the building work, then the building consent must list the specified systems that are being added, altered, or removed.

Section 106 allows the owner of a building to apply for an amendment to a compliance schedule for the building. Section 107 allows a territorial authority to amend a compliance schedule on its own initiative with strict consultative requirements with the owner.

### Findings

The Council's information pamphlet *Do you need a compliance schedule or warrant of fitness for the building?* provided useful compliance schedule and building warrant of fitness information but it did not provide any information on amending a compliance schedule.

The Council at the time of the review visit had a policy and procedure for amending compliance schedules that covered applications for amendments and territorial authority initiated amendments. It was found to be well-structured and generally in accordance with the Building Act 2004. The only notable issue was in relation to Form 11 (application for amendment to compliance schedule). This form's title had been changed to *Application for, or amendment to compliance schedule* and the content had been changed to allow for applying for a compliance schedule which usually is captured in the prescribed Form 2. It was unclear why the Council had chosen to modify the wording and alter the use of this prescribed form, as its use is stated under the Building (Forms) Regulations 2004. By changing the use of the Form 11 the Council was failing to operate in accordance with Regulations 5 and 6(2)(a) and (b). The Council should only use the prescribed Form 11 for its stated purpose, which is to amend a compliance schedule.

The prescribed Form 2 (application for PIM and/or building consent) already captures details of the specified systems being altered, added to, or removed in the course of the building work and clearly indicates whether or not a compliance schedule is required as a result of the proposed building work.

Some compliance schedules viewed were found to include systems/features that are not recognised as specified systems under the Building Act 2004 or Regulations (eg, safety barriers and hand-held hose reels for fire fighting). The Council should consider removing such items from the compliance schedule, or alternatively list them separately on the compliance schedule as non-specified systems.

The Department found evidence that the Council was amending compliance schedules as a result of a request from an independently qualified person or on their

own initiative. In these instances the Council was found to have followed good process, which resulted in well-documented outcomes.

### **Conclusion**

At the time of the review visit the Council had an appropriate procedure for amending a compliance schedule which could be enhanced by considering the following recommendations.

<b>Recommendation 3</b>	
<b>The Department recommended that the Council:</b>	<b>Response from the Council:</b>
<b>Reviews and updates their public information to include information on amending a compliance schedule.</b>	<b>The Council advised it was using the brochure recommended at the time of the review and it is willing to update if required.</b>
<b>When amending compliance schedules to include those building systems/features that are not specified systems under the Building Act 2004 (eg, safety barriers, fire hose reels and the like), as they should be clearly identified on the compliance schedule as being non-specified systems or, alternatively, removed from the compliance schedule.</b>	<b>The Council advised this recommendation has been actioned.</b>
<b>Rename and use the existing Form 11 for amending compliance schedules only.</b>	<b>The Council advised that this is strictly correct but is a complicated way of achieving the goal.</b>

## 4.6 Building Act requirements – annual building warrant of fitness

### Purpose

To examine the Council's building warrant of fitness system to determine if it has appropriate checks and balances to ensure that building warrants of fitness are assessed appropriately and the requirements of the Building Act 2004 are being complied with.

### Background

Sections 108 to 111 of the Building Act 2004 set out the relevant responsibilities for building owners and for territorial authorities. In summary, the owner must ensure continued effective operation of the specified systems listed on the compliance schedule and demonstrate compliance by displaying a current warrant of fitness in their building.

### Findings

The Department was concerned at the high percentage of buildings in the district that did not have a current building warrant of fitness or compliance schedule statement (section 4.2 refers). The Building Act 2004 and its associated Regulations provides for enforcement action, such as infringement notices and prosecutions of building owners who are failing to comply and supply the Council with a building warrant of fitness. The Council had not actively pursued either of these actions at the time of the Review visit.

Section 108 of the Building Act 2004 requires all building owners who have been issued with a compliance schedule to provide the Council with an annual building warrant of fitness. The building warrant of fitness must be supplied on each anniversary of the issue of the compliance schedule, and have attached all certificates in the prescribed Form 12A certifying that the inspection, maintenance, and reporting procedures in the compliance schedule have been fully complied with during the previous 12 month period.

If a building owner does not supply the Council with a building warrant of fitness in accordance with the legislative timeframes stated above, the Council sends a reminder letter to the building owner/agent of a building one month before the building warrant of fitness expiry date and, if necessary, a second reminder letter once the building warrant of fitness is overdue. The Council's in-house process for managing building warrants of fitness is detailed below.

- A letter titled *Section 108 of the Building Act 2004* is sent to the building owner advising that the building warrant of fitness is soon to expire (letter sent one month prior to expiry).
- On the expiry date of the building warrant of fitness a second letter titled *Expired building warrant of fitness* is sent to the building owner stating that failure to comply with section 108 of the Building Act 2004 is an offence, which could result in a fine (10 days grace allowed).
- Further non-compliance will result in a final letter being sent to the owner titled *Expired building warrant of fitness-urgent attention required*. This letter advises that a notice fix will be issued under section 164 of the Building Act 2004 if there is no reply.

The Council was able to provide recent records showing they had undertaken some building warrant of fitness inspections, but the records were not extensive and the Council advised that previously this regulatory function was of low priority. The Council's process for auditing included a letter to building owners which outlined the legislative requirements to undertake building warrant of fitness inspections/audits and advised Council's fees.

The Department considers the Council's recent proactive approach to monitoring building warrants of fitness to be good practice and was generally in accordance with the enforcement provisions outlined in the Building Act 2004<sup>13</sup>. But the Council's process could to be further developed by clearly defining what the building warrant of fitness inspection/audit comprises. For example, how is the inspection/audit recorded? (is a specific check-list completed by the inspecting officer and a copy of this inspection left on site with the owner or their representative? Are buildings categorised randomly, or targeted in terms of their perceived risk, specified system complexity, or just for non-compliance with section 108(3) of the Building Act 2004?)

Although the Council had a well-documented written procedure for managing building warrants of fitness, in practice their system was not working satisfactorily. This was highlighted by the high number of buildings that did not have a current building warrant of fitness or compliance schedule statement. The primary reason for this appeared to be that they had not adequately closed the loop on building owners who failed to provide them with an annual building warrant of fitness after the final letter was sent. It should be noted that failure to supply the territorial authority with a building warrant of fitness is an offence under section 108(5)(aa) of the Building Act 2004.

As noted previously the Council has not yet adopted a policy that will allow them to issue infringement notices for offences listed under Schedule 1 of the Building (Infringement Offences, Fees, and Forms) Regulations 2007. Adopting an infringement policy would certainly provide the Council with an additional tool that will assist them to gain compliance with respect to building owners obtaining a compliance schedule, and displaying true and honest building warrants of fitness.

The Council had a policy and procedure for vetting incoming building warrants of fitness for completeness. The process was well documented, and provided good assessment for the accuracy and completeness of a building warrant of fitness. Although the Council was found to have good systems in place for checking building warrants of fitness, on some occasions it was noted that building warrant of fitness information was not always accurate or legislatively correct. Some historic building warrants of fitness revealed that incorrect building legislation had been cited, while some others had not been issued on the prescribed Form 12 and did not contain all of the prescribed information required by the Building Act 2004 and Regulations.

## **Conclusion**

In recent times the Council has undertaken inspection/audits of some buildings containing specified systems but this process could still be better documented.

The Council had improved its in-house systems in the way it manages and administers the building warrant of fitness system. However, due to historic issues with many building owners failing to supply the Council with a current building

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<sup>13</sup> Refer to sections 12(2)(h) and 222 of the Building Act 2004.

warrant of fitness, a significant amount of work is still required to resolve the high number of outstanding and non-compliant building warrants of fitness.

In the past the Council's checking for building warrant of fitness accuracy and completeness was not sufficiently robust to reveal administrative errors and omissions contained in the submitted documentation. This matter has been largely resolved, but systems and procedures could still be further critiqued to ensure full compliance.

The Council had adequate written procedures and systems in place for administering building warrants of fitness, which could be improved by implementing the following best-practice recommendations.

<b>Recommendation 4</b>	
<b>The Department recommended that the Council:</b>	<b>Response from the Council:</b>
<b>Considers adopting a policy that allows infringement notices to be issued for offences under the Building Act 2004, particularly section 108 of the Building Act 2004.</b>	<b>The Council advised there is no mandatory requirement under the Building Act 2004 for it to adopt an infringement policy. Delegations are in place and each issue is dealt with on a case by case basis, as recommended in the Department's publication <i>Guidelines on Infringement Fines</i>.</b>
<b>Takes urgent follow-up action on those non-complying building owners, who have failed to provide the Council with a current building warrant of fitness. The additional work load associated with undertaking this follow-up action is likely to impact on the Council's building control resources.</b>	<b>The Council advised that this will be the first priority for the new building compliance officer who was due to be appointed in late October 2009.</b>
<b>Develops and clearly defines the processes, parameters, triggers and recording of audits/inspections of buildings containing specified systems.</b>	<b>The Council advised that this will be the first priority for the new building compliance officer who was due to be appointed in late October 2009.</b>

## 4.7 Private cable cars (section 100)

### Purpose

To assess Council's system to ensure that domestic cable cars within its district have a compliance schedule. The Department also considered how the Council has advised the general public of the requirement that all cable cars must have a compliance schedule.

### Background

Sections 100 to 107 of the Building Act 2004 set out the particular responsibilities for building owners who have cable cars attached to household units or are serviced by them. Requirements on territorial authorities and building consent authorities are also included in the Building Act 2004.

In summary, household units with cable cars, or serviced by cable cars, require a compliance schedule. The owner must also ensure continued effective operation of the cable car and display a current building warrant of fitness in their building.

### Findings

The Council advised it is not aware of any cable cars in its district. Despite this, the Council has taken a proactive approach and has generally included cable cars as a specified system on their current in-house forms. The compliance schedule details form could be improved by requesting the performance standards for the proposed cable car.

Unlike other Council documentation, the application form for PIM/Building Consent (Form 2) did not include cable cars as a specified system (refer to section 6.4 of this report for more detail including a recommendation).

### Conclusion

No cable cars are located in the district.

In general, Council's in-house forms provided for cable cars as a specified system, but could be improved by implementing the following recommendation.

<b>Recommendation 5</b>	
<b>The Department recommended that the Council:</b>	<b>Response from the Council:</b>
<b>Includes the requirement for an applicant to provide the relevant performance standards for a proposed cable car (eg, NZS 5270:2005 Cable cars for private residences: Design, construction and maintenance).</b>	<b>As at 16 October 2009 the Council advised that it had not yet actioned this recommendation.</b>

## 4.8 Independent qualified person register

### Purpose

To determine the appropriateness of the Council's policy and procedures for evaluating independent qualified persons' (IQPs) competency and how such people are accepted as independently qualified persons.

### Background

Section 438(2) of the Building Act 2004 sets out a transitional provision, until 30 November 2010, for IQPs to continue to act in relation to specified systems, unless the Council's acceptance is withdrawn.

### Findings

The Council relied on the East Coast region's register of approved independently qualified persons. The other councils using this register are Central Hawkes Bay District Council, Wairoa District Council, Hastings District Council and Napier City Council.

Hastings District Council is responsible for maintaining this regional register, including assessing and approving independently qualified persons. Applicants are required to complete a standard application form for acceptance as an independently qualified person, the application form requires applicants to provide their CV, qualifications, references, insurance details as part of the assessment process. The Council refers any independently qualified person applications directly to the Hastings District Council, as well as any independently qualified person complaints.

There was no formal agreement or memorandum of understanding between the Council and Hastings District Council to govern this collective arrangement.

### Conclusion

A regional independently qualified person arrangement is a good way for Council to achieve greater consistency and a more standardised approach. However, work should be undertaken to formalise the arrangement and clarify certain matters, as recommended below.

<b>Recommendation 6</b>	
<b>The Department recommended that the Council:</b>	<b>Response from the Council:</b>
<b>Formalises its arrangements with member councils regarding the maintenance and use of the regional register – including:</b> <ul style="list-style-type: none"><li>- <b>ensuring all councils clearly understand the process for managing complaints against</b></li></ul>	<b>As at 16 October 2009 the Council advised that this work was in progress. It was watching the progress of the drive to have a national register which the Council felt was the best way of dealing with independent qualified persons.</b>

<p><b>independently qualified persons</b></p> <ul style="list-style-type: none"><li>- <b>ensuring regular updates on the status of the register are provided to all members (eg, any new independently qualified persons approved or any independently qualified persons who have been removed from the register)</b></li><li>- <b>clear communication channels are maintained.</b></li></ul>	
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## **4.9 Human resources**

### **Purpose**

To assess the strength and depth of the Council's building control resources, and how effectively they are being used.

### **Background**

Although current activity in the building sector is well down on the levels of two or three years ago, the Council needs to be prepared for the inevitable recovery and consequent increase in workload for its building control staff. The Council is able to address this by increasing staff levels and by using existing staff more effectively. Opportunities to increase staff levels are limited in the short term because of the short supply of appropriately qualified people. The Council must consider ways to use existing staff more effectively.

### **Findings**

The identification and assessment of specified systems was carried out by building control officers during the vetting, processing and inspecting stages of the consent process. Unusual or complex technical matters were discussed and peer-reviewed by senior building control staff.

At the time of the Review visit there was one in-house staff vacancy for a building compliance officer.

The Council has recently begun to inspect buildings containing specified systems. These inspections were normally triggered if a building warrant of fitness had not been supplied to the Council within the required statutory timeframes.

The Council called on external technical input on specialist technical issues as and when required. There were no formal agreements in place to document the scope and/ or nature of contractor services.

Should the Council implement the recommendations made in section 4.6 of this report, it is likely to have a notable impact on the Council's workload and staff resources. Significant staff input is likely to be required in order to resolve the high number of outstanding building warrants of fitness. The Council will need to have measures in place to manage this issue.

### **Conclusion**

The Council did not have dedicated staff whose primary focus was on compliance schedules, building warrants of fitness and specified system assessments and inspections. These duties were generally shared amongst all building control staff, with senior Council staff providing assistance and technical guidance.

Significant resources are likely to be required to undertake inspection and enforcement action due to the large number of buildings that do not have a current building warrant of fitness (sections 4.2 and 4.6 of this report refer).

<b>Recommendation 7</b>	
<b>The Department recommended that the Council:</b>	<b>Response from the Council:</b>
<b>Ensures sufficient resources are made available for the Council to fully perform its role as a both a building consent authority and territorial authority under section 12 of the Building Act 2004. In particular, managing the high number of buildings that do not have a current building warrant of fitness or have an expired compliance schedule statement.</b>	<b>The Council accepted this recommendation and interviews were due to be held 21 October 2009 for a new position. The Council commented it has been difficult to get this position approved due to management worries about the current recession.</b>

## 4.10 Technical knowledge and ability of staff

### Purpose

To examine the technical knowledge and capabilities of building control staff and the provisions for staff training and upskilling.

### Background

The specified systems for the safety of building users are often complex and require a sound understanding of technical issues and relevant building legislation. Councils need to ensure their building control staff have the correct level of technical knowledge, understanding and skills in specified systems and building law.

### Findings

The Council had a competency assessment system for all technical staff, which included a skills matrix with achieved competencies levels. The system was developed as part of the building consent authority accreditation scheme<sup>14</sup>. However, this system did not specifically cover specified systems, amending compliance schedules, or compliance schedule statements. Building warrants of fitness are also not included as they are not a building consent authority function under the Building Act 2004. The competency system could be improved by adding these building control functions to the existing skills matrix. In doing so, technical leadership will be more apparent, so will any potential gaps in competency in relation to these functions.

It should be noted that compliance schedules are one of the building control functions captured within the Accreditation Regulations, and as such, should feed into the Council's training and skills matrices.

Staff training records show that the Council has stepped up training in the area of compliance schedules and building warrants of fitness, as the 2008 training plan below shows.

Training topic	Number building control staff in attendance	Duration of training	Date training undertaken
Building warrant of fitness auditing course through external training provider.	2	1 day	April 2008
Site visit to a building consent authority as training exercise in order to gain insights into another building consent authority's compliance schedule systems and work practises.	2	2 days	May 2008
Introduction to compliance schedules course through external training provider.	12	¾ day	September 2008

<sup>14</sup> BCAs are required to have systems for training their employees to perform the authorities' BCA functions for doing a technical job under the Building (Accreditation of Building Consent Authorities) Regulations 2006.

<b>Training topic</b>	<b>Number building control staff in attendance</b>	<b>Duration of training</b>	<b>Date training undertaken</b>
Training on building warrants of fitness, Form 12As and independently qualified persons through external training provider.	2	½ day	September 2008

The Council has clearly placed a greater degree of importance on building warrant of fitness and compliance schedule training in recent times. This is important for staff development and will assist the Council with its staff training requirements for accreditation as a registered building consent authority.

The Department was advised that informal in-house peer reviews were regularly carried out regarding compliance schedule and building warrant of fitness matters.

At the time of the Review visit, the Council had begun to conduct building warrant of fitness inspections. The parameters and criteria for these inspections are yet to be fully documented within the Council's system. Consequently, it was unknown which members of the building control team will undertake these inspections, and how they will be assessed as being competent.

### **Conclusion**

The Council has recently placed a greater degree of importance on building warrant of fitness and compliance schedule training, but this training has not been recognised in the Council's competency assessment.

The Council needs to strengthen the collective technical knowledge and capability of its staff, as recommended below.

<b>Recommendation 8</b>	
<b>The Department recommended that the Council:</b>	<b>Response from the Council:</b>
<b>Reviews and updates the competency assessment process to include specified systems and other compliance schedule and building warrant of fitness matters.</b>	<b>As at 16 October 2009 the Council advised it was yet to act on this recommendation. The Council's quality assurance officer will develop the necessary documentation in the near future.</b>
<b>Ensures all staff involved with compliance schedules and building warrants of fitness receive appropriate training.</b>	<b>The Council advised it had a training plan in place and considerable training had already been given to officers who had been undertaking this function until a dedicated officer could be appointed and trained. Considerable resources are likely to be channelled into this role once an officer is appointed. The level of training will depend on the appointee's skill base.</b>

<p><b>Ensures technical leadership for specified systems and compliance matters are captured within the skills matrix for staff.</b></p>	<p><b>As at 16 October 2009 the Council advised it was yet to act on this recommendation. However, this matter will be addressed in the future.</b></p>
<p><b>Monitors and records training for the writing and auditing of compliance schedules/ building warrants of fitness.</b></p>	<p><b>The Council advised that this recommendation is a requirement of the training plan and council personnel file.</b></p>
<p><b>Reviews training undertaken to ensure it has been beneficial, is appropriate, and identifies and records the knowledge gained.</b></p>	<p><b>The Council advised that this recommendation is a requirement of the training plan and council personnel file.</b></p>

## **4.11 Access to and storage of compliance schedule and building warrant of fitness documentation**

### **Purpose**

To assess the Council's record-keeping processes and facilities, including the access provided to the public.

### **Background**

Sections 216 and 217 of the Building Act 2004 set out the broad record-keeping requirements for territorial authorities in regard to their building control functions. Territorial authorities are required to hold and make available information that is relevant to the Act's administration. This helps inform the public of their obligations.

### **Findings**

Building warrant of fitness and compliance schedule records are currently securely stored in hardcopy and are readily available to the public on request at the public counter. Technical staff are available, as and when required, to provide technical interpretation and advice on building compliance and regulatory matters.

Information about properties and building warrants of fitness is stored in a number of different formats within the Council's archiving system (depending on the era they date from), which include electronic data storage, microfilm, historic registers and hard-copy files. Building warrants of fitness are generally stored in a dedicated hard-copy file, and separate from other property information.

If members of the public require information specific to an individual property address, a property search application form is completed by the applicant detailing their individual documentation request. The property search application form also outlined the cost associated with uplifting photocopies of different types of documents.

### **Conclusion**

The Council was complying with its statutory requirements in relation to sections 216 and 217 of the Building Act 2004 and had good systems in place for dealing with customer requests for property information.

## 5 Feedback from the Council

When carrying out technical reviews, the Department gives territorial authorities a reasonable opportunity to make a submission on the report and to provide its feedback.

The Council's feedback has been included throughout this report in the 'response from councils' section of each the terms of reference. Additionally, the Council advised that the technical review of compliance schedule and building warrant of fitness systems had come at an opportune time, as they were in the process reassessing their systems, processes and resourcing for these functions. However, delays in publishing the report disappointed the Council's building control team as it did not assist them in using its recommendations to support their case for a dedicated officer for the compliance schedule and building warrant of fitness functions.

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