



Department of  
Building and Housing  
*Te Tari Kaupapa Whare*

# Technical Review

## of the Building Control Operations of Selwyn District Council

### Summary Report

February 2009



# Contents

<b>1</b>	<b>OVERVIEW</b>	<b>2</b>
<b>2</b>	<b>ROLES OF THE DEPARTMENT OF BUILDING AND HOUSING AND THE COUNCIL</b>	<b>8</b>
<b>3</b>	<b>PURPOSE OF THE TECHNICAL REVIEW</b>	<b>10</b>
<b>4</b>	<b>THE REVIEW PROCESS</b>	<b>11</b>
<b>5</b>	<b>KEY FINDINGS OF THE REVIEW</b>	<b>15</b>
	1 – Organisational and management structure	<b>15</b>
	2 – Consent statistics	<b>17</b>
	3 – Use of the processing clock	<b>18</b>
	4 – Procedures for determining compliance with the Building Code	<b>20</b>
	5 – Assessing alternative solutions	<b>28</b>
	6 – Procedures for accepting producer statements	<b>29</b>
	7 – Weathertightness compliance	<b>31</b>
	8 – Compliance with other Building Act requirements	<b>32</b>
	9 – Compliance schedules and the building warrant of fitness regime	<b>35</b>
	10 – Accessibility compliance	<b>37</b>
	11 – Human resources	<b>38</b>
	12 – Technical knowledge and ability of staff	<b>40</b>
	13 – Adequacy of resources and equipment	<b>42</b>
	14 – Adequacy, security and availability of public records	<b>43</b>
	15 – Relationships with other territorial authorities and building consent authorities	<b>44</b>
	16 – Case studies of completed buildings	<b>45</b>
	17 – Accompanying personnel during inspections	<b>47</b>
	18 – Feedback from the Council	<b>49</b>
<b>6</b>	<b>NEXT STEPS</b>	<b>51</b>

# Important notice to people reading this technical review report

The Department of Building and Housing (the Department) carries out technical reviews as part of its function to monitor and review the performance by territorial authorities and building consent authorities of their functions under the Building Act 2004 (the Act) and, previously, the Building Act 1991 (now repealed). The purpose of a technical review is to assist the territorial authority or building consent authority under review to improve its building control operations.

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

- assessing whether the processes and procedures used by the territorial authority or building consent authority under review are sufficient to enable it to satisfy the requirements of the Building Act 2004 and related Regulations, including the New Zealand Building Code (Building Code)
- assessing the processes and procedures used by the territorial authority or building consent authority under review for weathertightness compliance
- providing advice and assistance on best-practice building control procedures to help the territorial authority or building consent authority under review achieve an effective building control regime that is consistent with national objectives
- enabling the Department to receive comment and feedback from the territorial authority or building consent authority under review about its practical operations, ability to assess Building Code compliance, and the role of the Department in this process.

# 1. Overview

## Purpose

This report provides a summary of a technical review of the building control operations of Selwyn District Council (the Council). The Department of Building and Housing (the Department) conducted two on-site review visits to the Council in September 2006 and February 2008. The report outlines:

- the roles of the Department and the Council in regulatory building control
- the methodology used in the review
- the Department's key findings and recommendations at each stage of the review
- the Council's progress to action the Department's recommendations and areas requiring further improvement.

## The Council

Selwyn District Council's jurisdiction covers an estimated population of around 37,500. The Council employs 33 permanent staff to carry out its regulatory building control functions and also contracts with several organisations to provide additional technical or processing input. The Department recognises that during the course of the review the Council, as with many other territorial authorities, had a challenging task in a busy environment.

## Review process

Technical reviews usually involve a three-phased process designed to assist territorial authorities and building consent authorities to improve their regulatory building control operations. This process involves two on-site review visits (an initial review and a follow-up review) spaced over time to provide a measure of the Council's progress to implement the Department's recommendations. Reports are then produced to show the Department's findings and recommendations for each on-site visit. This report represents the third and final phase of the review and presents a summary of the whole review cycle.

## Initial review

The Department made its first on-site visit to the Council in September 2006 and provided its report to the Council in March 2007. This report described the key areas of the Council's building control operations that needed to be strengthened based on the findings of the 2006 on-site visit. The report made 17 recommendations across different components of the Council's building control operations. In summary, it was found that the Council was not always complying with its responsibilities, such as meeting the statutory timeframes for processing building consents, or ensuring building work complied with the Building Code at all stages of the consent processing and inspection process. In part, this was due to the Council not optimising its existing technical building control staff and other human resource issues.

The Department identified a number of areas where the Council could improve its regulatory building control activities by strengthening its policies and procedures. Particular areas of concern included vetting and processing building consent applications and conducting inspections of building work.

## Follow-up review

The Department returned to the Council in February 2008 to carry out a follow-up review. A report was provided to the Council in June 2008. During this visit, the Department found that the Council had implemented some of the recommendations made in the initial review phase (see parts 4.2, 4.6, 9 and 13 of the review's terms of reference). In other cases the Council had only partially progressed the recommendations made (see parts 3, 4.1, 4.3, 6, 7, 8, 10, 11, 12, 16 and 17 of the review's terms of reference). The Council had not implemented a number of other initial review recommendations (see parts 4.4, 4.5 and 6 of the review's terms of reference).

## Summary of the key improvements made by the Council

Over the course of the review, the Council made a number of improvements to strengthen its building control practices. This work continued after the last review visit in February 2008. Some of the key improvements the Council implemented between September 2006 and November 2008 are summarised in the table below.

Issue	Key improvements made during the review cycle
Organisational capacity and capability	<ul style="list-style-type: none"> <li>• Implementing a new organisational structure for the building control unit, which is benefiting the Council's technical staff in terms of support, training and development.</li> <li>• Recruiting new staff during the review to fill vacant positions.</li> <li>• Completing a technical skills matrix to document its collective technical building control capabilities and identify its technical strengths and limitations.</li> <li>• Recruiting specialist plumbing and drainage expertise and considering options to optimising its use of such expertise.</li> <li>• Providing training for technical staff (eg, vetting training, and weathertightness and accessibility compliance) and conducting internal audits/peer review to identify skill and knowledge gaps for future staff training, mentoring and professional development.</li> <li>• Training of administration staff to assist with some building control tasks (eg, producing project information memoranda (PIMs)).</li> <li>• Fostering collaborative relationships with other councils in the region.</li> <li>• Considerably reducing inspection booking times to next day service or same day service for urgent requests, despite increasing the number of required inspections for consents granted.</li> </ul>
Policies and procedures	<ul style="list-style-type: none"> <li>• Aligning its processes around PIMs and building consents, and increasing its compliance with the statutory timeframes for the issuing of PIMs, and granting and issuing of building consents.</li> <li>• Enhancing its consent processing checklists to include relevant sections of the Building Act 2004 (and Building Code clauses).</li> <li>• Documenting its procedures for issuing (or refusing to issue) code compliance certificates.</li> <li>• Developing a system for assessing proposed alternative solutions and producer statements.</li> <li>• Using the classified uses contained in Clause A1 of the Building Code to describe the lawfully established uses of buildings.</li> <li>• Considering different enforcement options available under the Building Act when owners are not meeting their building warrant of fitness obligations.</li> <li>• Documenting procedures around conducting inspections, including how it issues site instructions.</li> </ul>

Issue	Key improvements made during the review cycle
Quality assurance	<ul style="list-style-type: none"> <li>• Strengthening internal peer review for building consent processing functions (including the technical components of decision-making as well as process checks).</li> <li>• Implementing a more formalised internal audit procedure to identify recurring instances of non-compliance during the processing and issuing of building consents and code compliance certificates, and on-site inspections.</li> </ul>
Administration and resources	<ul style="list-style-type: none"> <li>• Accurately collecting and reporting building control statistics.</li> <li>• Formalising its system for managing its technical resources (eg, maintaining an inventory of inspections tools and a technical library).</li> <li>• Ensuring building consent documentation is clearly identified with a unique identifier.</li> </ul>

### Post follow-up review visit

Since the follow-up visit in February 2008, the Council has continued with its efforts to strengthen its building control operations – both to implement the Department’s technical review recommendations and also as part of its efforts to become accredited as a building consent authority (BCA) under the Building Act 2004.

The Council considers that its core successes have included the following.

- Implementing the management practices that were introduced after restructuring the building control unit in December 2006. The Council considers that such measures have proven to be highly effective in achieving the outcomes of the Council, staff, and the population of the district.
- Getting accredited as a BCA under the Building Act 2004.
- Introducing in-house technical training in response to limited technical training options available from external industry sources. Work to identify staff training/learning needs also occurred following implementation of procedures developed under the BCA scheme. The Council has further identified the need for all staff to advise their training ‘wish lists’. Management collates such requests when responding to in-house training needs. This could also involve combining with other councils who have common training needs.
- Creating an additional senior position of ‘Building Administrator’ to ensure direct ownership of all aspects of BCA scheme. This position reports directly to the Building Manager and is responsible for all day-to-day performance requirements as described in the Council’s BCA manual.
- Maintaining a high level of integrity in recruitment and advancement of staff into technical and other roles identified as being appropriate to the individual. The Council advises that this will be supported by appropriate technical and customer service training and continual performance monitoring. The Council considers that ‘advancement’ from internal resources is essential due to the lack of technical resource available nationwide.

- Significantly increasing compliance with the timeframes in the Building Act for processing building consents. In the latter months of the technical review, this reached around 96 percent and was achieved by a programme that included upskilling processing staff, redeploying or replacing technical staff, employment of additional staff, and obtaining necessary outsourced expertise where appropriate.
- Receiving positive feedback from both an internal survey of building control staff about their job satisfaction and an external customer survey of building consent applicants.

### Areas needing further work

While sound progress has been made in a number of areas, further improvements are still required to the Council's building control operations to fully implement the Department's recommendations, and to enable the Council to consistently meet its obligations under the Building Act 2004.

The Department considers that improvements can still be made in four broad areas.

#### Implementing building control policies and procedures

A common theme identified across the review was the importance of the Council's building control operations being underpinned by sound, formalised policies and procedures. The focus now should be to ensure consistent and effective implementation of such policies and procedures. The Department recommends that further work is undertaken to:

- ensure comprehensive compliance records are made for every consent file to clearly demonstrate how the Council was satisfied, on reasonable grounds, that compliance with the Building Code would be achieved if the building work was constructed in accordance with the plans and specification submitted
- better record activity and decision-making in other areas (eg, recording the training undertaken and the outcomes)
- ensure it has comprehensive documented policies and checklists/prompts for processing and inspections that cover compliance with the Building Code in relation to accessibility, weathertightness and other Building Code clauses
- ensure that no conditions or notations are placed on building consents (according to its new position), except where required by the Building Act
- ensure that all building consent files contain the information required by section 216 of the Building Act 2004
- continue to strengthen its process for conducting on-site inspections of building work, with a focus on ensuring inspection records clearly show the reasons for on-site compliance decisions
- streamline and refine its documented systems and processes for consenting and inspections.

### **Improved quality assurance**

While the Council has progressed work to strengthen its quality assurance practices, it needs to monitor whether its building control policies and procedures are being consistently applied and followed by staff. Examples include:

- consent vetting and lodgement
- its recent position of not making conditions and notations on consent documentation (unless required to under the Building Act)
- ensuring both technical and process peer reviews and audits are regularly carried out
- assessing and documenting decision-making around alternative solutions and producer statements submitted with building consent applications
- weathertightness consent processing and inspections
- fully documenting decision-making during consent processing, inspection and approval stages.

### **Compliance with statutory obligations**

A key finding of the review was that the Council was not always achieving a consistent level of compliance with the Building Code at all stages of the consent processing and inspection process. Recurring non-compliance was found in relation to fire safety, weathertightness, plumbing and drainage, and accessibility. These areas need to be closely monitored to ascertain how continual improvement can be made.

While significant improvement has occurred, ongoing effort is also required to ensure consistent compliance with section 48(1) of the Building Act 2004, and to ensure all building consent applications are processed within the 20-working-day statutory timeframe. The Department notes the Council's feedback that many councils are struggling with this requirement, and acknowledges the Council's achievements to improve its processing timeframes. The Council should assess the reasons for the residual numbers of consents not being issued within statutory timeframes (eg, capacity limitations) and implement any necessary strategies to further manage non-compliance.

The Council has also noted that it will complete its review of its BCA manual and ensure its procedures for granting and issuing building consents and code compliance certificates align with the requirements of the Building Act 2004 and the Building (Forms) Regulations 2004.

### **Capacity and capability issues**

During the review the Department identified that the Council was under-resourced and relied significantly on external contractors to undertake its regulatory workload. To counter this, the Council implemented an organisational reform and recruited permanent staff to fill vacancies. Despite this, the capacity of its building control unit needs to be closely monitored to ensure it has the necessary technically competent staff to meet current and foreseeable work volumes, and to effectively undertake its regulatory building control responsibilities.

In terms of its technical capability the Council also needs to ensure that:

- the technical skills matrix it has developed is maintained and consistently used to inform decision-making around work allocation, training needs, and the assessment of resourcing needs for both individuals and the building control unit as a whole
- ongoing technical training for staff is provided in some key areas of its operations when required, including weathertightness and accessibility compliance
- continued efforts are made to build constructive relationships with neighbouring BCAs so that sharing of information and technical expertise becomes common practice.

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

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

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 control 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 the issuing of building consents and code compliance certificates.

### **The role of the Consent Authority Capability and Performance Group**

The Department's Consent Authority Capability and Performance Group is responsible for undertaking technical reviews of territorial authorities and building consent authorities. The Group's broad functions include:

- monitoring, reviewing and improving performance outcomes of the regulatory building control system, for example conducting technical reviews of territorial authorities and building consent authorities
- designing and implementing a system of accreditation and registration to be used to strengthen decision-making at the important building consent and inspection stages of the building process
- managing the accreditation body that will assess prospective building consent authorities
- strengthening relationships with territorial authorities, building consent authorities, and other key industry stakeholders
- investigating and resolving complaints about performance issues
- providing guidance, advice and assistance to the regulatory building control sector.

## Role of building consent authorities and territorial authorities

Territorial authorities have a wide range of statutory functions and powers under the Building Act 2004.

Briefly, these include:

- determining whether applications for waivers or modifications of the Building Code, or any document for use in establishing compliance with the Building Code, should be accepted
- determining the extent to which buildings must comply with the Building Code when altered, their use is changed or their specified intended life changes
- determining whether building work is exempt under Schedule 1 from the need to obtain a building consent
- enforcing the Building Act, Building Regulations and Building Code
- performing functions relating to dangerous, insanitary and earthquake-prone buildings
- issuing certificates of acceptance
- issuing certificates for public use
- issuing and amending compliance schedules and enforcing the building warrant of fitness regime
- issuing project information memoranda
- following up on notices to fix, gaining access to buildings, collecting fees and issuing fines and infringements.

Territorial authorities must also act as a building consent authority for their district. Statutory functions of a building consent authority include:

- receiving, considering, and making decisions on applications for building consents within set time limits
- inspecting building work for which it has granted a building consent
- issuing building consents, code compliance certificates, compliance schedules and notices to fix.

## 3. Purpose of the technical review

Technical reviews are performance reviews undertaken to monitor building consent authorities and territorial authorities and help them to fulfil their obligations under the Building Act 2004. The review is a tool to help a territorial authority and building consent authority to:

- enhance the performance of its building control activities
- implement appropriate systems and processes so it can carry out its building control operations
- effectively fulfil its obligations under the Building Act and Building Regulations.

Technical reviews also examine whether a territorial authority or building consent authority has the appropriate operational systems and resources to enable its staff to undertake their building control work effectively and efficiently.

They 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 the performance of territorial authorities and building consent authorities to determine whether they are properly exercising their powers and performing their building control functions.

# 4. The review process

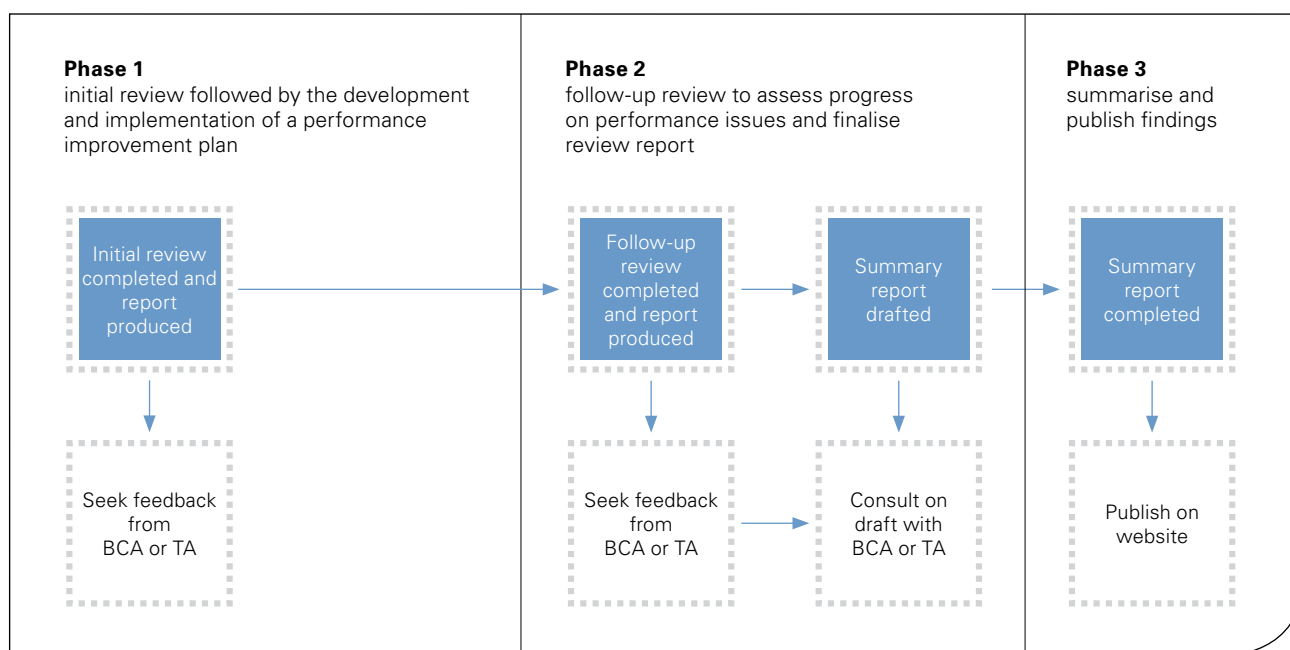
## Review timeframe

Technical reviews are typically undertaken using a three-phase process, which usually takes approximately 18–36 months from start to finish. In phase one the Department undertakes an on-site initial review of the building consent authority’s or territorial authority’s building control operations and produces a report with recommendations. The organisation then provides feedback to the Department on the report and addresses recommendations made by the Department over the following 9–12 months.

Phase two involves a follow-up review being undertaken after an appropriate period of time has passed since the completion of phase one. This phase focuses on how the building consent authority or territorial authority has addressed recommendations from the initial review. A draft follow-up report is provided to the organisation so it can make a written submission on the final findings. Following consideration of any submissions, the follow-up review report is finalised and provided to the building consent authority or territorial authority.

The review process is then completed by preparing a summary review report for publication on the Department’s website. The figure below shows the stages of the review process. This report is the summary report for Selwyn District Council indicated in phase three.

**Figure 1: Overview of the technical review process**

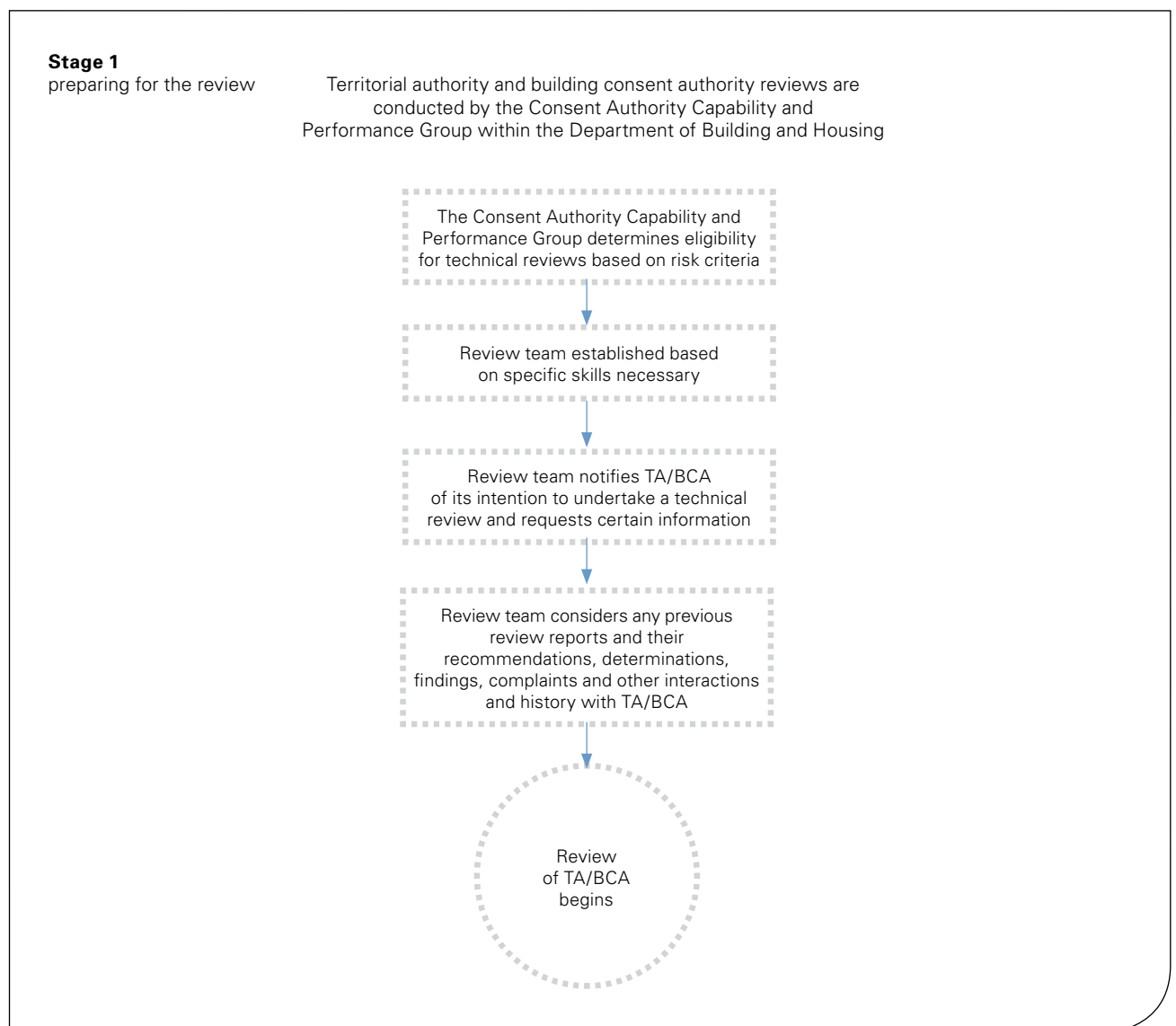


## Investigative method

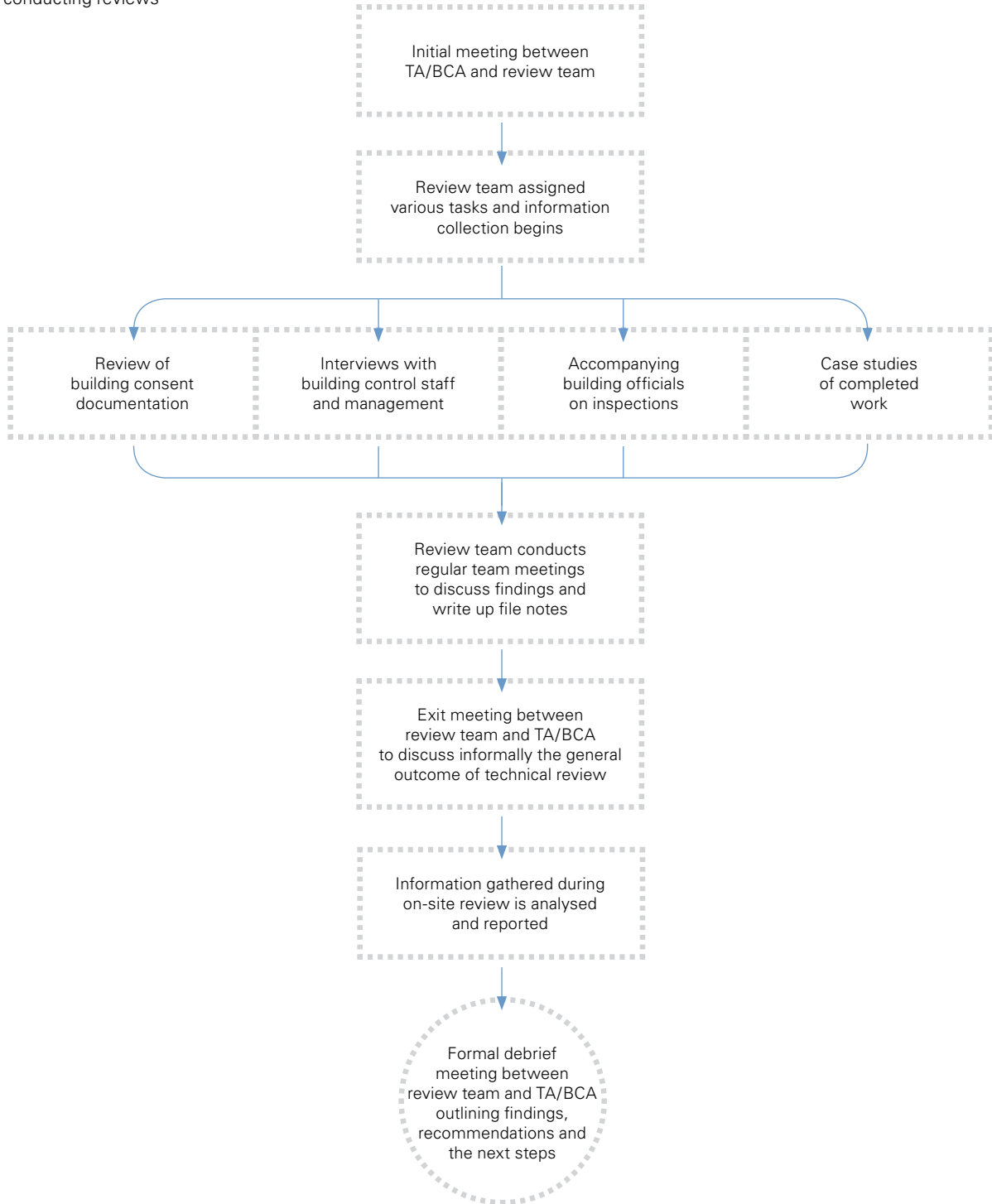
The Department measures a territorial authority's or building consent authority's performance using a number of methods including:

- observing staff doing their work, both in the office and on site
- reviewing written material used and produced by staff (eg, policies, procedures, inspection checklists and records, manuals and approved consent documentation)
- interviewing staff about their use of material and their work
- assessing a random sample of building projects (case studies) that have recently been, or are currently being, handled by the territorial authority or building consent authority.

**Figure 2: Preparing for and conducting technical reviews**



**Stage 2**  
conducting reviews



## Terms of reference

The table below sets out the terms of reference that were the basis for the review.

<b>Terms of reference</b>	
1	Organisational and management structure
2	Consent statistics
3	Use of the processing clock
4	Procedures for determining compliance with the Building Code. 4.1 Consent application vetting and lodgement processes 4.2 Project information memoranda processing 4.3 Building consent processing 4.4 Use of conditions, notations and endorsements on consent documents 4.5 Use of peer review, external or specialised assessment 4.6 Issuing code compliance certificates
5	Assessing alternative solutions for building compliance
6	Procedures for accepting producer statements
7	Weathertightness compliance
8	Compliance with other Building Act requirements
9	Compliance schedules and the building warrant of fitness regime
10	Accessibility compliance
11	Human resources
12	Technical knowledge and ability of staff
13	Adequacy of resources and equipment
14	Adequacy, security and availability of public records
15	Relationships with other territorial authorities
16	Case studies of completed buildings
17	Accompanying personnel during inspection work
18	Feedback from the Council to the Department

## 5. Key findings of the review

The key findings of the review are outlined under each heading of the review's terms of reference. This section also outlines the Department's recommendations and how the Council acted upon or responded to each recommendation.

### 1 – ORGANISATIONAL AND MANAGEMENT STRUCTURE

#### Purpose

To summarise the Council's building control organisational and management structure and to identify any issues with its efficiency and effectiveness, and consider how the Council delegates its legislative powers, duties and responsibilities.

#### Background

Section 232 of the Building Act 2004 covers the delegation of powers of territorial authorities. This section links to Schedule 7 of the Local Government Act 2002, which sets out local authorities' broad powers of delegation.

#### Initial review

The Council undertook a review of its service delivery management structure in early 2006. The review concluded that improvements in the service delivery model could be achieved through appointing a Building Manager with overall responsibility for the building control unit, and two additional team leaders with a variety of functions and delegations under the Building Act 2004. The Council was in the process of implementing the review recommendations and applications for the new positions were being considered at the time of the Department's initial review visit. As such, it was not appropriate for the Department to make any specific recommendations until this process was completed.

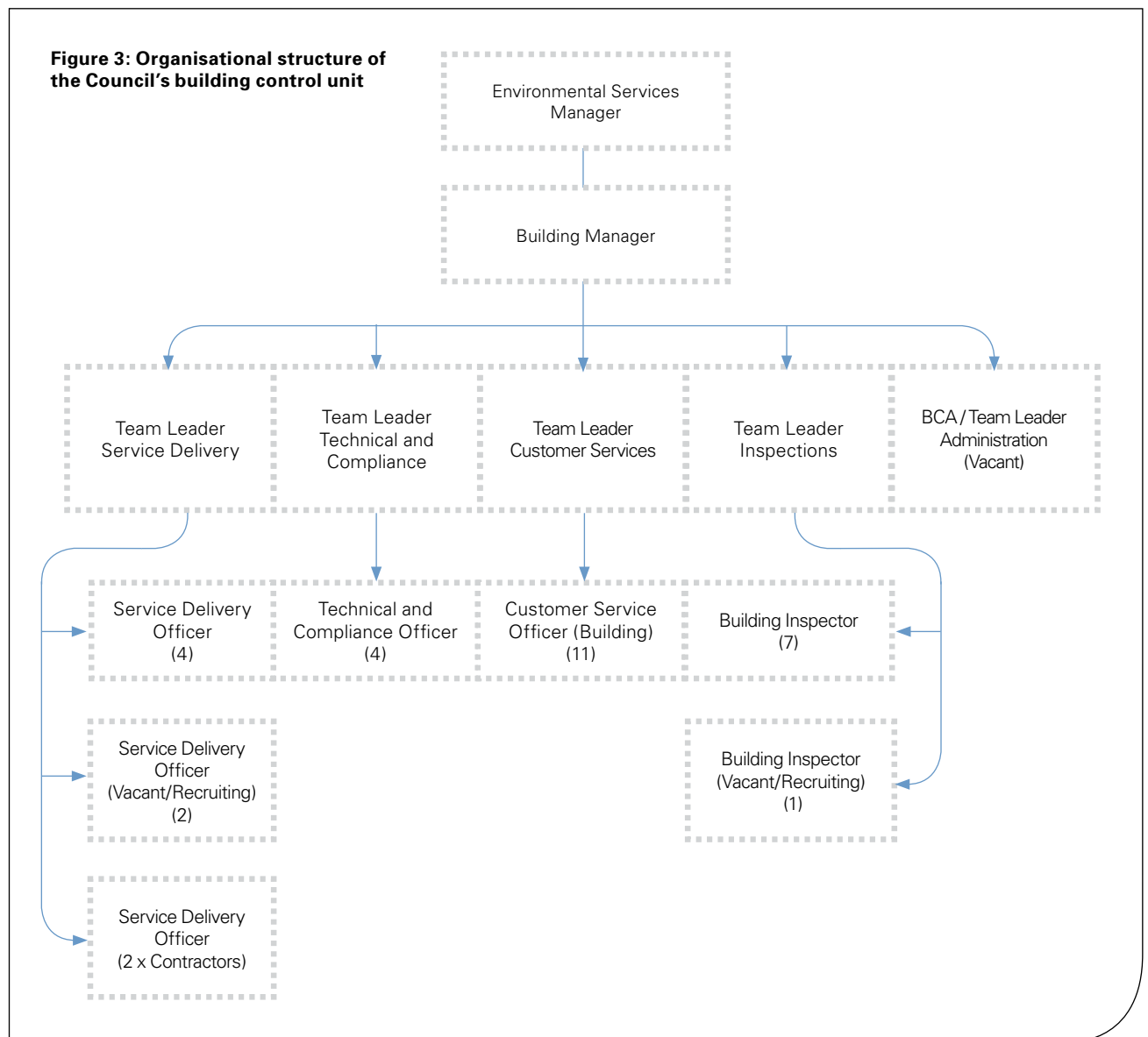
#### Follow-up review

The Council changed its organisational structure significantly after the initial review. The Council's building control unit numbered 33 permanent staff at the time of the follow-up review and it was also contracting with several organisations to provide additional technical or processing input.

The Building Manager is supported by four team leaders. The Council has also established a new position for a BCA/Team Leader Administration. The intention is for this position to administer all of the BCA accreditation requirements and allow the other team leaders to focus on their core roles and responsibilities. This position is currently vacant.

The building control unit is part of Environmental Services and is supported by the Council's finance, IT and corporate services teams.

The structure at the time of the follow-up review is shown below:



## Conclusion

The Council's new organisational structure was appropriate and seems to benefit the Council and its technical staff in terms of support, training and development.

**Note:** The Council advises that after the follow-up review, an appointment was made to the position of Building Administrator and the appointee is proving to be effective in executing the duties attached to the role.

## 2 – CONSENT STATISTICS

### Purpose

To review selected building control statistics to provide an indication of the volume and nature of work the Council has to manage.

### Findings

<b>Initial review statistics 12-month period ending 30 June 2006</b>	<b>2008 follow-up review statistics 12-month period ending 31 January 2008</b>
<ul style="list-style-type: none"> <li>• 1,761 project information memoranda were issued</li> </ul>	<ul style="list-style-type: none"> <li>• 1,656 project information memoranda were issued</li> </ul>
<ul style="list-style-type: none"> <li>• 1,761 building consents were issued</li> </ul>	<ul style="list-style-type: none"> <li>• 1,880 building consents were issued</li> </ul>
<ul style="list-style-type: none"> <li>• 1,296 code compliance certificates were issued</li> </ul>	<ul style="list-style-type: none"> <li>• 1,419 code compliance certificates were issued</li> </ul>
<ul style="list-style-type: none"> <li>• 1,016 swimming pools were recorded within Selwyn District Council's jurisdiction</li> </ul>	<ul style="list-style-type: none"> <li>• 787 swimming pools were recorded within Selwyn District Council's jurisdiction</li> </ul>
<ul style="list-style-type: none"> <li>• 187 buildings had compliance schedules issued</li> </ul>	<ul style="list-style-type: none"> <li>• 276 buildings had compliance schedules issued</li> </ul>
<ul style="list-style-type: none"> <li>• 3,331 building consents that had not been issued code compliance certificates</li> </ul>	<ul style="list-style-type: none"> <li>• 3,848 building consents, which have not been issued code compliance certificates</li> </ul>
<ul style="list-style-type: none"> <li>• The total value of the construction work consented for above period was \$232,419,208</li> </ul>	<ul style="list-style-type: none"> <li>• The total value of the construction work consented for above period was \$273,042,230</li> </ul>

These statistics show a high volume of building control work was experienced during both reviews.

The Council issued 12 percent more building consents than project information memoranda. Section 31(2) of the Building Act requires building consent authorities that are territorial authorities for their districts (such as Selwyn District Council) to issue a project information memorandum for each building consent application received, unless a project information memorandum has been issued for the project before the application for the building consent has been made.

<b>Recommendations made to the Council</b>	<b>Response from the Council</b>
<p>Ensure a project information memorandum is issued for each building consent application, where one has not previously been produced.</p>	<p>The Council advises that it encourages applicants to obtain a PIM prior to applying for building consent. Where multiple projects are being built on a site, the Council generally issues one PIM to cover all proposed projects. The owner then applies for individual building consents for the projects as and when they are ready to carry out building work.</p>

### Conclusion

The Council's consent statistics are being accurately collected and reported.

### 3 – USE OF THE PROCESSING CLOCK

#### Purpose

To assess the Council’s use of the processing clock and how well the Council is meeting the statutory time-frames for processing applications for building consents.

#### Background

The Building Act 2004 specifies a range of requirements for a building consent authority when it processes applications for building consents. Section 48 of the Act requires that a building consent authority grant or refuse a building consent within 20 working days. This timeframe may be suspended if insufficient information has been supplied by the consent applicant. The applicant should be notified of this in writing.

#### Initial review

The Council was not consistently meeting the statutory timeframes for processing building consent applications, as it had interpreted the Building Act’s 20-working-day statutory timeframe for processing building consents as not beginning until a project information memorandum had been issued. Furthermore, the time between the receipt and processing of a project information memorandum application was not being recorded.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Significantly improve compliance with section 48(1) of the Building Act 2004.	The Council was monitoring its compliance with statutory timeframes by collecting statistics for the granting and issuing of PIMs, building consents, code compliance certificates and certificates of acceptance.

#### Follow-up review

The Council’s statistics indicated that it had improved on the percentage of building consents it had granted within the 20 working days for the six-month period up to 31 January 2008. However, further work is still required to fully comply with the requirements of the Building Act as it was still not processing all consent applications within the statutory timeframe.

Additionally, the Department found that the Council needed to examine its procedures around the granting and issuing of building consents, as it appeared the Council was officially recording that it had granted the consents after it had issued them. This is discussed further under part 8 of the review’s terms of reference below.

Recommendations made to the Council	Response from the Council
Continue to work to reach compliance with section 48(1) of the Building Act 2004 (processing consents within the 20-working-day timeframe).	The Council advises that building consent processing has been held at over 90 percent for the last several months.
Develop and implement a procedure to monitor the reasons for consents not being issued in accordance with the statutory timeframes and to develop and implement strategies to manage any non-compliance.	<p>The Council has continued to implement strategies introduced over a period to achieve statutory compliance. These strategies have included:</p> <ul style="list-style-type: none"> <li>• a review of computer statistical reporting</li> <li>• upskilling of technical and customer service staff</li> <li>• standardisation of the Customer Service staff position description which allows any Customer Service staff member to carry out all such functions and thus avoiding delays due to staff absences, etc</li> <li>• upgrading the level of application information accepted across the Council front counter</li> <li>• requiring relevant information regarding any relevant discharge to land/air/water prior to acceptance of building consent applications. The Council advises that this initiative was introduced after three months of notification/advertising. Council considers it has made a significant gain in processing times by removing constant enquiries of Council staff regarding delays in issuing code compliance certificates.</li> </ul>

## Conclusion

The Council has substantially implemented the Department’s recommendations and is more consistently meeting its statutory timeframes. Ongoing work is required to maintain such performance and consistently meet the requirements of the Building Act.

**Note:** In considering the Council’s feedback, the Department notes that section 37 of the Building Act 2004 requires territorial authorities to attach an additional certificate to a PIM if it considers that a resource consent under the Resource Management Act 1991 has not yet been obtained and the resource consent will or may materially affect building work to which a PIM relates. Under section 51 of the Building Act, councils can issue a building consent and attach a copy of such section 37 certificates. That is, they can still issue the building consent despite it needing a resource consent. The Council needs to ensure it factors such requirements into its systems and processes.

## 4 – PROCEDURES FOR DETERMINING COMPLIANCE WITH THE BUILDING CODE

### Purpose

To review the key processes the Council uses when accepting, vetting and processing applications for building consents and to review how it establishes whether building consent applications comply with the Building Code. The processes reviewed include:

- consent application vetting and lodgement processes (4.1)
- project information memoranda processing (4.2)
- building consent processing (4.3)
- use of conditions, notations and endorsements on consent documents (4.4)
- use of peer review, external or specialised assessment (4.5)
- issuing code compliance certificates (4.6).

### 4.1 Consent application vetting and lodgement processing

#### Purpose

To assess how well the Council accepts and vets applications for building consents.

#### Background

Good-quality plans and specifications submitted with building consent applications help ensure efficiencies in processing and improved compliance outcomes. Modern buildings are now considerably more technically complex. Designers and consent applicants must ensure they provide building consent authorities with appropriate design information to show how Building Code compliance will be achieved.

#### Initial review

The Council needed to strengthen its building consent vetting and lodgement processes and make its information requirements for building consent applications available via electronic media (eg, its website). Some front counter staff were also unfamiliar with, and were not consistently applying, the Council's vetting procedures.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Enhance its consent vetting and lodgement procedures to ensure all applications for building consents are accompanied by the requisite supporting documentation and that any applications with incomplete or incorrect documentation are consistently rejected when lodged.	The Council developed and implemented a procedure for vetting the completeness and quality of documentation for building consent applications (TMS 04). The Customer Services team received the applications and carried out the vetting and called on technical expertise from the Team Leader, Customer Services or other technical staff as required for complex applications. Informal individual training had been provided by the Team Leader for Customer Services staff in the use and implementation of this vetting procedure. The Council developed a new application checklist and guidance notes to accompany every building consent form.
Provide online building consent guidance information for customers (including application forms and information on how building consents are vetted and processed).	Council had developed consumer guidance information on the building consent process including application forms, checklists and guidance information about how to apply for building consents in general and also for specific types of applications. Some material is available in hard copy format and on the Council's website.
Provide further staff training to ensure that all consent processing and lodgement procedures are fully understood and that staff are effectively following these policies and procedures.	The Team Leader had provided individual staff training in the use and implementation of its new vetting procedure.

### Follow-up review

Although the Council had provided individual staff training, the training and the issues covered were not being recorded. The Department found evidence that Council vetting procedures were not being consistently followed. For example, forms had not been adequately filled out and required information was missing.

The Council had been proactive in providing further advice to the public via the local newspaper's 'Council Call' and a register containing pages from the paper provided evidence of a varied range of topics, including items like certificates for public use, changes to Acceptable Solutions and Compliance Documents, performance to processing times, code compliance certificates and details of information required with building consent applications.

<b>Recommendations made to the Council</b>	<b>Response from the Council</b>
The Council should provide training to its staff in the use of its vetting procedures. Training records should also be documented and effective implementation of the procedure confirmed.	As part of the process of the Council becoming accredited as a BCA, its vetting sheets have undergone continual improvement with regard to content required to be supplied with a building consent application.  Staff have also had additional training with their Team Leader and regular audits show that vetting sheets are being fully completed by staff competent to do so. Complex projects that are outside the technical competency of staff are vetted by a Team Leader.

### Conclusion

The Council had substantially implemented the Department's recommendations. However, it is important that the Council ensures records of training undertaken are consistently created and filed.

## 4.2 Project information memoranda (PIMs) processing

### Purpose

To examine how the Council uses project information memoranda (PIMs) as part of its building control operations.

### Background

Sections 31–39 of the Building Act 2004 cover applications for PIMs. These sections specify the minimum information a PIM must include. Information not apparent in the district plan must be included, as well as details of other authorisations, stormwater and utility systems, and other features or characteristics likely to be relevant to the design and construction of the building on that site.

### Initial review

The system for compiling PIMs required a significant amount of time and input from technical building control staff, which could have been undertaken by administrative staff with the requisite training. This would help free up technical building control staff for more technical tasks (eg, processing building consent applications).

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Train dedicated administration staff to process PIM applications, with support and review by a technical building control officer.	The Council implemented a new documented procedure for PIM processing (TMS 08). PIM applications are now received and vetted by Customer Services team members and, on acceptance, are entered into the Council's computer system and then allocated to the various departments for their input.

### Follow-up review

The Council had trained customer service staff to receive and vet PIM applications with the provision of technical input from building control staff. Training was sometimes being provided by new technical compliance staff so as to gain an appreciation of the whole-of-Council activity and to learn about the Council's databases and systems. The Customer Services team collates all the PIM information with the Team Leader reviewing the information for the issue of the PIM.

The content being provided in the Council's PIMs was consistent with that required by section 35 of the Building Act 2004.

### Conclusion

The Council has implemented the Department's initial review recommendation.

### 4.3 Building consent processing

#### Purpose

To ensure the Council has a robust and defensible methodology for processing building consents.

#### Background

Territorial authorities and building consent authorities should have systematic processes in place to assess building consent applications in a thorough, consistent and timely manner. This process should clearly document the technical basis for issuing the building consent and the subsequent compliance certification.

#### Initial review

The Council had systems and processes in place for managing the building consent approval functions. However, these needed strengthening because the Department found evidence of non-compliant building work being approved on some consent files. In particular, the Council needed to better document its allocation and peer review processes for building consents.

Recommendations made to the Council	Action taken by the Council before the follow-up review
Develop and implement better policies and processes for assessing the technical competence of staff and contractors and how work is being allocated to appropriately competent people.	A suite of processing checklists that cover the Building Code's clauses are being used for different types of buildings. Contractors involved in processing building consent applications also use the Council's processing checklists with the exception of one specialist contractor, who processes fire safety and structural aspects using their own processing system.
Formalise peer review of completed applications prior to building consent issue.	Processed building consent applications undergo an informal procedural review check by a Team Leader before the building consent is granted.
Develop and implement better policies and processes for checking applications during processing.	The Council advised it was also considering changing its procedures to allow the technical processing officer to grant the building consent without a review check. If this procedure is implemented the Council proposes to undertake technical audits of a percentage of processing work prior to granting. This is aimed at improving compliance with statutory timeframes in relation to granting building consents.

#### Follow-up review

The Council had developed a number of processing checklists for the technical processing of consent applications and assessment of compliance with the Building Act 2004 and Building Code. These checklists cover the relevant Building Code clauses, but do not contain any substantial detail about the content of the clause. The checklists do not reference any provisions of the Building Act 2004 that may also be relevant.

The Department found evidence of processing staff using the checklists for recording non-compliances, but not recording positive assessments and the reasons for accepting compliance. Sometimes checklists were not being appropriately filled out, were incomplete, or were ambiguous.

Some consent files also did not fully demonstrate how the Council had reasonably determined that compliance with the Building Code would be achieved if the building work was built in accordance with the consent application.

Recommendations made to the Council	Response from the Council
Ensure its building consent processing compliance assessment checklists are detailed and include relevant sections of the Building Act 2004 that need to be considered in addition to the Building Code clauses.	As part of the continuous improvement under the BCA accreditation scheme, revised processing checklists have been drafted for inclusion in the Council's BCA manual. This is currently under review.
Implement a formalised technical audit procedure. Findings from internal audits can assist in the identification of skill and knowledge gaps and should be built into the Council's in-house training system.	The Council advises that it reviews the outcomes of audits at regular weekly/fortnightly building unit management meetings. This allows for the identification of further training requirements and knowledge gaps. Team Leaders also identify issues within their teams and update the skills matrix to reflect this on a regular basis.

## Conclusion

The Department's recommendations have been implemented. However, the Council needs to ensure all consent files clearly show how it determined that Building Code compliance was achieved before it decides to grant and issue the building consent (as required by section 49(1) of the Building Act 2004).

**Note:** The findings on the initial review recommendation about assessing the competency of personnel are discussed under part 12 of this review's terms of reference.

## 4.4 Use of conditions, notations and endorsements on consent documents

### Purpose

To examine the Council's use of conditions and plan notations.

### Background

Consent conditions or notations should be used as educational tools and to highlight aspects of construction requiring particular attention. Conditions should not be applied to cover deficiencies in building consent documentation, which should be rejected at lodgement. While using conditions or notations may enable councils to avoid requesting additional information and can sometimes help expedite processing, this fails to meet the requirements of the Act. Wrong use of notations or conditions may place councils in the role of being a designer, which is not their appropriate role in the building control context.

Section 49 of the Building Act 2004 requires territorial authorities to grant consents if they are 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 submitted with the application.

### Initial review

The Council was sometimes applying notations to cover up for inadequacies in consent documentation provided by the applicant at lodgement.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Develop a policy to define when the use of consent conditions and notations is appropriate.	The Council did not implement this recommendation and advised that its informal policy is not to use conditions or notations on plans.

### Follow-up review

The Council reiterated that its intended policy was to not place conditions or notations on plans. The Department noted a number of examples where conditions and notations were still being added – some notations were being used in an appropriate manner to highlight areas of attention, while others were being applied to cover deficiencies in consent documentation.

<b>Recommendations made to the Council</b>	<b>Response from the Council</b>
Document a formal policy to define when the use of consent conditions and notations is appropriate and communicate such requirements to all contractors (possibly through use of a practice note).	The Council advises that it does not consider a formal policy is required as it will not continue its practice of using notations and endorsements. Current practice will be phased out over a period of change.
Check to verify the policy is being complied with by staff and contractors (eg, via internal audit).	Ongoing training of in-house and outsourced processing and/or discontinued use of outsourced contractors is expected to eventually bring all processing into line with its new position. Appropriate formalisation of its position will be recorded in due course.

### Conclusion

The Council has responded to the Department's recommendation by adopting a position that staff and contractors will stop making endorsements or notations on consent documentation. The Council needs to ensure that all personnel comply with this position.

**Note:** The Department notes that under the Building Act 2004 some lawful conditions are required to be placed on building consents issued by councils (eg, the condition regarding the specified intended life of a building).

## 4.5 Peer review and the use of external assessment

### Purpose

To examine the Council's peer review procedures and the use of external expertise in its building control operations.

### Background

Having an internal peer review system is an important mechanism that can help ensure councils conduct building consent and inspection activities with rigour and consistency. Councils can contract specialist technical expertise when they do not have such skills in-house. It is generally not feasible for a council to maintain appropriate expertise within its staff for all building control matters. Contracted expertise is often used to supplement council staff or to provide peer review of complex projects that have been processed by in-house staff.

### Initial review

The Council had informal quality control and peer review processes, but these had not been adequately documented.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Develop, document, and record internal peer review processes and allocation of work to external contractors.	This recommendation was not implemented at the time of the follow-up review visit.

### Follow-up review

A Team Leader undertakes an informal *procedural* review check of consent applications and completed checklists before a consent is granted. This review is more of a document review rather than a *technical* peer review. The Council advised it is considering changing its current process so that a Team Leader undertakes a technical audit of a percentage of processed building consents.

If an external contractor processes the application, then the Council processing staff will review the documentation to assess and schedule what inspections are required. This is not considered a technical peer review of the contractor's assessment of compliance.

Recommendations made to the Council	Response from the Council
<p>Develop and implement processes for internal peer review of its building consent processing functions (including the technical components of its decision-making).</p>	<p>Council advises that all work is allocated to competent staff in accordance with its technical skills matrix contained in its BCA manual (refer to TMS 17).</p> <p>Where staff knowledge is being extended to move them up to the next category of building control work, their work is supervised by either a peer, or their Team Leader (who is competent in that given category).</p> <p>The Council noted that its significant improvement in achieving compliance with statutory processing timeframes has resulted in many contracts with external contractors being completed. The remaining external contractors are also included on the Council's skills matrix and only work within their competency as assessed.</p> <p>Regular management meetings are used to review processes – all aspects of BCA operation are under ongoing review at both Team Leader and management levels.</p>

## Conclusion

The Council has implemented the Department's recommendations. The focus now should be to ensure all staff consistently follow the Council's quality assurance procedures (including those around building appropriate peer review into decision-making).

## 4.6 Code compliance certificates

### Purpose

To examine the Council's processes around issuing code compliance certificates.

### Background

Sections 91–95A of the Building Act 2004 contain provisions on the issuing of code compliance certificates. In summary, these provisions include the following requirements.

- An owner must apply for a code compliance certificate (in the prescribed form) as soon as practicable after building work under a building consent is completed. If the building has specified systems, the owner must also show that these are capable of performing to the performance standards set out in the building consent.
- A building consent authority must decide whether or not to issue a code compliance certificate within 20 working days of receiving an application for code compliance certificate or, if no application is made, then 20 working days after the expiry of two years after the date the building consent for the work was granted, or such other further period agreed between building consent authority and owner.
- A new provision of the Building Act 2004 (section 95A) came into effect on 15 March 2008. Where a building consent authority refuses a code compliance certificate, it must now give the applicant written notice of the refusal and the reasons for the refusal.

### Initial review

The Council had no documented procedures for considering and issuing code compliance certificates.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Document its procedures for issuing or refusing to issue code compliance certificates, as defined by sections 91–95A of the Building Act 2004.	The Council had developed and implemented a policy and procedure (TMS 33).

### Follow-up review

Building control officers will ascertain that the consent file is complete, that all required inspections have been carried out, and that all required documentation has been received. This is recorded on a circulation sheet. The Team Leader – Technical and Compliance then carries out an internal audit of the consent file for the issue of the code compliance certificate.

### Conclusion

The Council has implemented the Department’s recommendation from the initial review.

## 5 – ASSESSING ALTERNATIVE SOLUTIONS

### Purpose

To examine how the Council assesses alternative solutions proposed for use in building projects.

### Background

Alternative solutions are one way of demonstrating that building work will comply with the Building Code. Building consent authorities can use the known performance of the relevant Acceptable Solution (prescriptive means of compliance) as a benchmark to make their own assessment of whether the performance of the proposed alternative solution is adequate. An alternative solution may involve materials, components, or methods that differ from those in a Compliance Document, but still satisfy the performance objectives of the Building Code.

### Initial review

The Council had a sound system and procedures for assessing proposed alternative solutions and documenting its decision-making. As such, no recommendations were made in the initial review.

### **Follow-up review**

The Council has documented processes and procedures (TMS 34) for assessing proposed alternative solutions. The Building Service Delivery Officer assesses alternative solutions for compliance using a specific process sheet, which is used to record the proposal, identify Building Code clauses, and the officer's report and is submitted for approval by the Team Leader. Approved alternative solutions are then recoded with the documentation on the Council's alternative solution register.

### **Conclusion**

The Council has a system for assessing proposed alternative solutions.

## **6 – PROCEDURES FOR ACCEPTING PRODUCER STATEMENTS**

### **Purpose**

To examine the Council's system for assessing and accepting producer statements.

### **Background**

Producer statements are written statements expressing the authors' views that plans, specifications or completed works comply with the technical requirements to satisfy some or all of the Building Code. A producer statement will usually be issued by a recognised specialist, for example an engineer, architect or competent specialist contractor. It is up to the building consent authority to decide whether to rely on such a statement. These documents have no specific status in law, but they can still be accepted and considered by a building consent authority when assessing the plans and specification submitted with a building consent application.

Producer statements are intended to reduce a council's input into specific aspects of design processing or construction monitoring work. A council needs to have confidence that those providing producer statements have the appropriate experience and competence in their field. Acceptance of producer statements is discretionary.

### **Initial review**

The Council had developed a policy and procedures for assessing and making decisions on whether to accept producer statements that were submitted with building consent applications as well as a policy for the audit and peer review of producer statements.

However, evidence showed that these procedures were not being applied consistently and improved documentation on the rationale for accepting (or rejecting) producer statements was needed.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Provide staff with training in the procedures for accepting (or rejecting) producer statements. This includes documenting the rationale for decisions made.	The Council developed a procedure for assessing producer statements (TMS 07) for inclusion in its BCA accreditation process.

### Follow-up review

Although the Council had developed a procedure for assessing producer statements (TMS 07), there was no evidence of training on this procedure. The Council had an acceptable system for assessing producer statements. However, some inconsistencies in its use identified by the Department indicated further training and guidance is required for Council staff.

One issue of concern the Department noted was that some producer statements that had been accepted by the Council only covered Clause B1 (Structure) and not Clause B2 (Durability) and it was sometimes unclear as to what other evidence the Council had considered to support such producer statements in its decision-making.

<b>Recommendations made to the Council</b>	<b>Response from the Council</b>
Provide its staff with training in the procedures for accepting (or rejecting) producer statements. This includes documenting the rationale for decisions made.  This reiterates the recommendation of the initial review.	Staff are trained by team leaders with follow-up by the Building Administrator, as appropriate.  The Council advises that staff are trained to accept or decline producer statements in accordance with the BCA manual (TMS 07), which provides a specific list of criteria to check when assessing a producer statement.  Mentoring/auditing by a contracted Chartered Engineer was instituted after the Department's February 2008 on-site visit to the Council.  The Council also advised that an unavoidable delay in the formulation of a position description and appointment of the new Building Administrator role impacted on how quickly it was able to implement this recommendation.

### Conclusion

The Council has actioned the Department's recommendations. However, it needs to ensure it clearly records the full justification for accepting producer statements. For instance, if a given producer statement covers Clause B1 (Structure) of the Building Code, but not Clause B2 (Durability), then the Council needs to record how it assessed B2 (Durability) compliance issues.

## 7 – WEATHERTIGHTNESS COMPLIANCE

### Purpose

To assess the Council's ability to process and inspect weathertightness compliance with particular attention to:

- weathertightness design processing methodology
- the level and detail of consent documentation accepted and approved by the Council
- technical competency of both processing and inspection staff in relation to weathertightness compliance
- the Council's inspection systems and procedures.

### Background

In June 2004 the former Building Industry Authority released a new Acceptable Solution for meeting Clause E2 (External Moisture) of the Building Code.<sup>1</sup> This document became effective on 1 July 2005. Building consent authorities should ensure that their approach to assessing the compliance of monolithic claddings is consistent with E2/AS1. The general principles that a territorial authority should follow are that:

- any cladding that achieves the requirements of E2/AS1 will be deemed to be an Acceptable Solution and will be compliant with Clause E2
- any cladding that does not meet the E2/AS1 requirements will be deemed to be an alternative solution and must be assessed by the Council on a case-by-case basis, based on the performance benchmark established by Clause E2.

### Initial review

The Council's staff had a good appreciation of weathertightness issues. However, the Council lacked comprehensive cladding checklists.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Enhance policies and procedures for weathertightness processing and inspections.	Procedures for inspecting weathertightness were enhanced and included in the inspection check sheets.
Develop comprehensive checklists for consent processing and inspections.	This recommendation was not implemented prior to the follow-up review visit.
Provide staff with ongoing weathertightness training, particularly training for ensuring on-site compliance.	Staff had received some weathertightness training.

### Follow-up review

The Council had not fully implemented the recommendations from the initial review.

Specific weathertightness policies had not been developed, although procedures and inspection prompt sheets for on-site inspection of weathertightness had been enhanced. Prompt sheets BAM 207 (Post Wrap) and BAM 208 (Cladding/Envelope) are prompts only and identify that the items listed have been inspected. BAM 130 (Inspection Notice) provides the record for the inspection.

<sup>1</sup> This document is available at [www.building.dbh.govt.nz/e/publish/compliance\\_docs\\_approved.shtml](http://www.building.dbh.govt.nz/e/publish/compliance_docs_approved.shtml)

Processing checklists had not been technically enhanced and still focused on generic statements such as 'risk matrix' or 'penetrations'. The Department noted that the single and two storey dwelling processing checklists were less detailed than the farm building checklist in relation to weathertightness.

Although staff had received training in weathertightness, the Department considers further training is required because it found evidence of non-compliance with Clause E2 at both the processing and on-site inspection stages.

Recommendations made to the Council	Response from the Council
<p>The initial review recommendations were reiterated. The Council should:</p> <ul style="list-style-type: none"> <li>• develop policies for weathertightness processing and inspections</li> <li>• develop comprehensive checklists for processing weathertightness</li> <li>• provide further training in weathertightness compliance.</li> </ul>	<p>The Council advises that its policy is to scrutinise building consent applications for compliance with Clause E2 of the Building Code and undertake subsequent inspections for weathertightness issues in accordance with its checklists.</p> <p>The Council advises that it contracted a provider to provide E2 training. However, this service did not fully meet the Council's needs or expectations.</p> <p>The Council has since developed in-house training programmes and also identified new external E2 training options.</p>

## Conclusion

The Council has partially implemented the Department's recommendations. The focus ahead should be to ensure that the Council's systems adequately cover weathertightness processing and inspection issues.

## 8 – COMPLIANCE WITH OTHER BUILDING ACT REQUIREMENTS

### Purpose

To examine the Council's performance on a range of other building control operations required by the Building Act that are not specifically covered under the other parts of the review's terms of reference.

### Background

The Act contains a number of provisions that require or empower a territorial authority or building consent authority to place restrictions, limitations or advise or seek inputs from other parties on building consent matters. These provisions include:

- section 36 – attaching a development contribution notice to a project information memorandum
- section 37 – attaching a certificate to a project information memorandum advising that building work cannot proceed or may not proceed past a specified stage until a resource management condition is fulfilled
- section 38 – advising a network utility operator or a statutory authority of project information memorandum matters
- section 39 – advising New Zealand Historic Places Trust if the application affects a registered historic place, historic area, wahi tapu, or wahi tapu area

- section 46 – requiring a building consent authority to provide the New Zealand Fire Service Commission with a copy of the building consent information
- section 54 – advising a building consent applicant of the levy they may be liable to pay
- section 67 – granting a building consent subject to a waiver or modification of the Building Code and any conditions the territorial authority may consider appropriate
- section 68 – advising the Chief Executive of the Department of Building and Housing of the granting of a waiver or modification
- section 71 – refusing to grant building consent for construction or major alteration of a building, if the land on which the building work is to be carried out is subject or likely to be subject to one or more natural hazards, or the building work is likely to accelerate, worsen, or result in a natural hazard on that land or any other property
- section 73 – notifying parties if a consent is granted subject to section 72
- section 77 – imposing a condition under section 75 when building work is proposed on two or more allotments, that the allotments may not be transferred or leased except under certain conditions
- section 112 – alterations to existing buildings
- section 113 – buildings with a specified intended life
- section 115 – code compliance requirements for the change of use of a building
- section 116 – extension of life and subdivision of a building.

### Initial review

The Department was satisfied that the Council was generally meeting the requirements of the Building Act 2004 in relation to these sections. However, the Council needed to more comprehensively document the procedures it was using to carry out these responsibilities.

The Department noted ambiguity in the way the Council interpreted and administered its responsibilities in relation to section 73 (conditions on building consents granted under section 72). The Council was reluctant to include as a condition of consent that notification to the appropriate party (listed in section 73) was, in some cases, required.

The Council had developed and submitted policies and procedures for both earthquake-prone and dangerous and insanitary buildings, as required under section 131. However the Council still needed to document many of the procedures they used for the above requirements.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Obtain legal advice on its responsibilities for construction on land that may be subject to a natural hazard under section 73 of the Act.	The Council did not implement this recommendation.
Ensure all its policies and procedures are effectively documented.	Procedures had been developed in relation to identifying hazards and consideration requirements (refer to TMS 08 part 8). The Council has documented its procedures for its building consent authority (BCA) functions in accordance with regulation 5 of the Building (Accreditation of Building Consent Authorities) Regulations 2006. The Council has also documented its other procedures relevant to the Building Act 2004.

## Follow-up review

The Council had a better understanding of sections 71–73, but it had not sought legal advice on the matter as suggested by the Department. Procedures had been developed in relation to identifying hazards and consideration requirements (refer to TMS 08 part 8).

The Department also found that the Council needed to examine its procedures (TMS 25.1) around the granting and issuing of building consents, as the Council was officially recording that it had granted a building consent after it had been issued. The Building Act 2004 sets out the process that building consent authorities have to follow in relation to these functions. Section 49 covers the granting of a building consent and requires the Council to grant the application if it is satisfied on reasonable grounds that the provisions of the Building Code would be met if the building work were properly completed in accordance with the plans and specifications that accompanied the application. Once a council has made a decision to grant the building consent, the building consent can then be issued on the prescribed form (form 5) with the information outlined in section 51 of the Building Act 2004.

The Council's computer system identifies the printing of a building consent as the trigger to 'stop the clock' and records this step as the date of issue. The Council then records the date the consent was granted as the date of receipt of the relevant charges. The Council advised that this practice was due to its interpretation that the statutory time for granting a building consent could not be suspended under section 48(2) of the Building Act 2004 while awaiting receipt of any charges relevant to the building consent. This system impacts on the Council's tracking of lapsed building consents where work has not started within 12 months.

The Department found that the classified uses contained in Clause A1 of the Building Code were not being accurately used to describe the lawfully established use on building consent application forms and code compliance certificates. Furthermore, the current lawfully established use from the building consent application is currently being transposed to the code compliance certificate. For example, a building consent application for a change of use from a detached dwelling to an assembly care (early childhood centre) would have under the current lawfully established use 'detached dwelling' and identify that a change of use would be occurring. When building work had been completed, the issued code compliance certificate would still have the current lawfully established use reflected as 'detached dwelling'. Once a building consent is issued and the building work has been completed, the lawfully established use should be recorded on the code compliance certificate as 'assembly care (early childhood centre)'.

The Department found that the Council's code compliance certificate form (Form 7) was not in accordance with regulation 6 of the Building (Forms) Regulations 2004. Instead of 'current lawfully established use' (as discussed above), the Council's form had 'intended use'.

The Council has documented its procedures for its building consent authority (BCA) functions in accordance with regulation 5 of the Building (Accreditation of Building Consent Authorities) Regulations 2006. The Council has also documented its other procedures relevant to the Building Act 2004.

Recommendations made to the Council	Response from the Council
Review its procedures for granting and issuing building consents and code compliance certificates to ensure they consistently align with the requirements of the Building Act 2004 and the Building (Forms) Regulations 2004.	The Council advises that this is being addressed by the current review of the BCA manual and an issue which arose regarding the completeness of building consent applications it was receiving from applicants.
Ensure the classified uses contained in Clause A1 of the Building Code are used to describe the lawfully established use.	The Council advises that this was implemented on 1 July 2008.
Ensure any changes are implemented effectively by staff.	The Council advises that regular audits show that staff have effectively implemented changes. Old statistical codes previously used can no longer be selected from the computer system.

## Conclusion

The Council has progressed implementation of the Department’s recommendations, although work is ongoing. After the review of the BCA manual is completed, the Council’s focus should be on ensuring that it consistently follows the requirements of the Building Act 2004 covered under this part of the review.

## 9 – COMPLIANCE SCHEDULES AND THE BUILDING WARRANT OF FITNESS REGIME

### Purpose

To evaluate the effectiveness of the Council’s compliance schedule and building warrant of fitness (BWoF) regimes.

### Background

Sections 100 to 111 of the Building Act 2004 set out the responsibilities for owners, territorial authorities and building consent authorities where buildings contain specified systems. Where specified systems (ie, fire alarm systems, lifts etc) are installed in a building, the building must have a compliance schedule, issued with the last code compliance certificate, and the owner must maintain a building warrant of fitness.

### Initial review

The Council was proactively monitoring, issuing and maintaining compliance schedules and building warrants of fitness and had recruited a new staff member to take responsibility for this part of its operations. There was, however, no evidence of the Council taking enforcement action against building owners who were failing to comply with the Building Act’s building warrant of fitness requirements.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Use the enforcement options provided within the Building Act when owners do not meet their building warrant of fitness obligations.	The Council noted this recommendation and advised that, and wherever possible, it prefers a positive and solution-based approach to assist in public education.

### Follow-up review

The Council issued 276 compliance schedules, which is a significant number of buildings containing specified systems that require ongoing maintenance and inspections to comply with the Building Code. The Council had dedicated a full-time technical officer and a part-time clerical officer to compliance schedule and BWoF responsibilities.

The Council informed the Department that it will issue a notice to fix to a building owner if it considers they have breached their responsibilities under the Building Act 2004. However, follow-on enforcement action is considered as a last resort. The Department viewed several notices to fix in relation to BWoFs that had been resolved with no further enforcement action required.

The Council has documented its procedures in relation to compliance schedules and BWoFs. Its BWoF procedures include notifying building owners of their obligations with a reminder letter one month before their BWoF is due. This is considered good practice by the Department.

### Conclusion

The Council implemented the Department's initial review recommendation.

The Department would like to note that the infringement notices could be used instead of costly court proceedings to increase building compliance and protect building users in relation to non compliance with BWoF obligations. Regulations for infringement notices have been effective from 1 July 2008 and provide a useful tool if implemented by the Council. Offences include:

- failing to obtain a compliance schedule for a building for which one is required
- not displaying, or displaying a false or misleading BWoF
- using or permitting the use of a building that is unsafe or insanitary or lacks fire escapes.

## 10 – ACCESSIBILITY COMPLIANCE

### Purpose

To examine the Council’s application and enforcement of the Building Code’s requirements for access and facilities for people with disabilities.

### Background

The Building Act and Building Code contain requirements to ensure people with disabilities are able to enter and carry out normal activities and functions within buildings. These provisions include sections 117–120. There are a range of training courses available for staff to enhance their knowledge and skills in this area.

### Initial review

Council staff had undertaken Barrier Free Trust accessibility training. Despite this, the Department found evidence that non-compliance with accessibility requirements was not consistently being identified during the building consent processing and inspection stages.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Incorporate a system of peer review for completed work.	The Council was peer reviewing building consents and building inspections.
Review the accessibility training that is currently provided to staff.	The Council did not implement these recommendations prior to the follow-up review visit.
Ensure the effective implementation of training.	

### Follow-up review

The Department found that non-compliance with accessibility requirements was still sometimes occurring and that on-site inspection records were not clearly detailing what was inspected. Although the Council had implemented a process of peer review, this was not specific to accessibility and included more of a broad overview of Building Code compliance.

The Department found no evidence that a review of the accessibility training undertaken by its staff had taken place. It also identified that the Council’s processing checklists/prompts for processing and inspections were lacking adequate detail for processing accessibility and other equally important clauses of the Building Code for commercial or similar classified uses.

Recommendations made to the Council	Response from the Council
<p>The Council should consider methods of improving accessibility compliance such as:</p> <ul style="list-style-type: none"> <li>developing detailed checklists for processing and inspections that detail compliance with the Building Code in relation to accessibility (and other Building Code clauses) for commercial or similar classified uses</li> <li>ensuring ongoing training is provided to its staff on accessibility compliance and that this training is effective.</li> </ul>	<p>Council advises that technical staff attend Barrier Free Trust courses on a rotational basis. Following the completion of the course, staff are given an internal assessment approximately 1 month later to check that they have retained and are applying the knowledge gained.</p> <p>Council advises that Team Leader weekly meetings cover resourcing and training. However, the Council considers there is a problem in securing competent industry training opportunities.</p>

## Conclusion

The Council has progressed work to implement the Department’s recommendations, but did not provide a response on whether the accessibility detail in its checklists had been strengthened.

## 11 – HUMAN RESOURCES

### Purpose

To assess the strength and depth of the Council’s building control human resource capacity and how effectively it is being used.

### Background

Increased building activity over the last few years has significantly increased the workload of building control staff. Territorial authorities and building consent authorities can address this by increasing staff levels and using existing staff more effectively. Opportunities to increase staff levels are limited in the short term because the national supply of appropriately qualified and experienced new staff is limited.

### Initial review

The Council had experienced a 36 percent increase in the number of building consent applications it received, making it the second fastest growing district in the country. This was placing significant pressure on the Council’s ability to perform its building control functions in a timely manner.

At the time of the review, the Council was implementing a new management structure to ensure effective management of staff and contractors. Additional technical and administration staff and contractors had been engaged to better meet work volumes. The Council had planned to work through the current capacity issues and was intending to continue to use contractors until vacancies were filled.

Technical Officers were being used to undertake administration roles, including the processing of PIMs. Only one Team Leader was responsible for the review of all PIMs and building consent documentation prior to issue, which was compromising the Council’s ability to issue building consents within statutory timeframes.

Recommendations made to the Council	Action taken by the Council
Formulate and implement a long-term resourcing strategy for meeting its statutory obligations once the new management structure is in place.	Council developed a broad policy for ensuring it has enough employees to undertake its building control functions (Chapter 2.6 of the Council's BCA manual).
Provide administrative staff with appropriate training so that they can assist in the processing of PIMs, with a technical review prior to issue.	The Council had provided mentoring and training to existing administrative and customer service staff to carry out more technical building control tasks (including helping to produce PIMs).  Training is discussed further under part 12 of the review's terms of reference.
Ensure staff are allocated work appropriate to their skills and abilities.	Discussed under part 12 of the review's terms of reference.
Ensure competent staff are made available to review documentation before building consents and project information memoranda are granted and issued.	The Council had not implemented this recommendation.

### Follow-up review

The Council had made some progress to implement the recommendations made in the initial review. While it had developed a broad policy for its capacity, it had not introduced a long-term proactive strategic plan for the recruitment and retention of building control staff.

The Council had recently undergone structural reform. However, at the time of the review, there were staff vacancies in the Service Delivery team responsible for processing building consent applications and the inspection team, and the newly created BCA /Team Leader Administration position was also vacant and had yet to be advertised. This position was established to administer all the BCA accreditation requirements and to free up the other Team Leaders and management to focus on their other building control responsibilities.

The Council's compliance with the statutory timeframe for processing building consents had improved to 74 percent. Compliance with the statutory timeframe for issuing code compliance certificates had decreased from 100 percent to 70 percent. The Council stated that this was due to staff resignation, workloads and allocating staff to other areas. This indicates to the Department that human resources are still a major issue for the Council.

<b>Recommendations made to the Council</b>	<b>Response from the Council</b>
Formulate and implement a long-term resourcing strategy for meeting its statutory obligations.	The Council advises that it undertakes regular capacity checks with the ChangeWorks Building Control Staff Calculator.
Prioritise filling the vacant position of BCA/Team Leader Administration with a person who has the technical understanding of BCA accreditation and of the development and implementation of systems and procedures.	The Council advises that the position was filled in June 2008.
Fill the vacant positions in the Service Delivery and Inspections teams so it can better meet the volume of work it is facing.	The Council advises there are no vacant positions in either team (as at September 2008). It also advised that inspection booking times have been reduced from 3–5 days at the start of the review to next day service, with same-day capability for urgent requests. This improvement was made even when there was a doubling in the numbers of inspections undertaken due to the Council requiring additional inspections for consents it had issued.

## Conclusion

The Council did not have sufficient staff capacity to undertake its statutory requirements. The Council needs to continue with its endeavours to ensure it has sufficient human resources to meet the work volumes it is facing.

## 12 – TECHNICAL KNOWLEDGE AND ABILITY OF STAFF

### Purpose

To examine the technical knowledge of building control staff and the provisions that have been made for staff training and upskilling.

### Background

Building control is becoming progressively more complex as new building materials gain wider use and housing density increases. Construction methods now allow for fewer margins for error and the technical knowledge of building control staff must increase with that trend.

### Initial review

The Council's technical staff had a satisfactory level of technical knowledge to enable them to fulfil the majority of the Council's statutory obligations. However, the Department identified that:

- the Council did not have a register or skills matrix that recorded particular technical strengths on an individual or organisational basis
- although there is an annual performance appraisal system, it is unclear if this process supports training and development plans
- the Council did not have an experienced plumbing and drainage inspector
- although the Council funds staff training, it had not developed a process to ensure that the knowledge gained from the training is being effectively implemented

- there is limited feedback between inspection and processing staff
- there is no system in place to provide processing staff and inspectors with the opportunity to swap roles.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Develop a competency matrix for technical staff and, from this, determine and agree individual plans for professional development.	All technical staff, except its most recent recruit, had been assessed for competency by an external contractor.  The Council had developed a training plan with scheduled training for 26 staff over six months. Training records had also been developed.
Determine the scope of work the Council intends permanent staff to undertake and the work that they intend to contract to external resources. This will help the Council focus training on key areas of its business.	All building consent applications were being assessed and categorised by either the Service Delivery or Customer Services Team Leader with the use of a complexity categorisation. Work was then allocated to technical members of the Service Delivery team, or contractors, based on the Team Leader’s knowledge of the respective skills and competence of the individual or contractor concerned. Where a complex design was included in an application for building consent (eg, fire design), these were sent to an external contractor for review. Other technical aspects (eg, an alternative solution fire design) had been reviewed by Christchurch City Council.
Provide staff with an opportunity to work across teams.	A customer services team member was being mentored and trained by the service delivery team to provide an appreciation of the work carried out in other teams within the Council’s building control unit.  Some inspectors had also been involved in processing building consent applications.
Develop and implement a peer review process to ensure training provided is being implemented in practice.	This recommendation was not implemented during the initial review stage.

### Follow-up review

At the time of the follow-up review, the Council was waiting for a completed skills matrix to assist it with its allocation of work and to help identify skill and knowledge gaps within the building control unit.

The Council had developed a training plan with scheduled training for 26 staff over six months. Training records observed by the Department indicated a good level of training being provided across the whole building control unit. One-to-one training about a specific issue or compliance matter was also observed, although such training was not always being recorded.

The Council was still developing a formal monitoring system of the application of training provided. The Department found no records of any peer review or auditing of staff that had been provided training to ensure the training was being consistently applied in practice.

The Council advised it was endeavouring to increase its technical resource to be able to process and inspect the level of building generally applied for in the district. A plumbing and drainage specialist had recently been recruited into the Inspection team. The Service Delivery team was, however, relying on multi-skilled staff to process and assess compliance of plumbing and drainage aspects of building consent applications. The Department considered that the Council was not making optimal use of the plumbing and drainage resource.

Recommendations made to the Council	Response from the Council
Complete the initial review's recommendations and ensure the technical skills matrix is completed as soon as possible and then kept up to date.	The Council advises that this was completed during February 2008. Staff have been included on the skills matrix and ongoing updates are carried out by Team Leaders.
Use the finalised skills matrix to: <ul style="list-style-type: none"> <li>• inform decision-making around work allocation so that building control work is consistently allocated in accordance with the competencies and skills of personnel concerned</li> <li>• complete the assessment of resourcing needs in terms of capacity and technical capability requirements for both individuals and the organisation.</li> </ul>	The Council advises that it has been working in accordance with the skills matrix since February 2008. A training plan has been implemented as is required for the BCA accreditation scheme. The plan was used by Team Leaders to help develop of the training budget.
Complete the initial review's recommendation to develop and implement a peer review process to ensure training provided is being implemented in practice.	The Council advises that all BCA processes/procedures are monitored by the Building Administrator, reporting directly to the Building Manager. One example of how this is done is noted under part 10 of the review's terms of reference above, where staff who have undergone training for accessibility compliance are assessed after the course to check if they are applying the knowledge gained.
Review options for fully optimising the use of its recently recruited specialist plumbing and drainage expertise (eg, consider whether such expertise should also be used in vetting or processing stages).	The Council advises it is using its plumbing and drainage specialist for training/mentoring of its technical staff. This includes peer reviewing processed projects and providing expertise on projects where staff are unsure if compliance will be achieved based on the information provided. This expertise has also been used in the field on a number of historic jobs where specific plumbing issues have arisen and the owners have contacted the Council.

## Conclusion

The Council has adequate technical capability for its day-to-day work, but with construction becoming more and more complex the Council needs to ensure it pays continual attention to its collective technical capability.

## 13 – ADEQUACY OF RESOURCES AND EQUIPMENT

### Purpose

To examine the resources and equipment building control staff have at their disposal.

### Background

The effectiveness of building control staff can be enhanced with access to appropriate aids and resources such as a technical reference library, digital cameras and moisture meters.

### Initial review

The Council had an adequate range of technical literature but needed to document its processes for the maintenance of technical information and inspection tools. Field staff had been supplied with adequate equipment and inspection tools.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Document its process for managing its technical resources, including an inventory of inspection tools.	The Council had documented a procedure for managing its technical and administrative resources. The procedure includes an inventory of inspection and technical equipment identified by individuals and a maintenance and calibration process for technical equipment.
Ensure the technical library is maintained by an administration officer supported by a technical officer.	The Council had developed a procedure for the upkeep of technical information, which is the responsibility of the Customer Services Team Leader.

### Follow-up review

Staff had adequate access to a range of up-to-date hard copy Standards and technical information and online access to electronic copies of these resources. All staff had adequate desk space to process plans and perform their administrative functions with access to computers and phones. Building inspectors had dedicated council vehicles that included all the necessary technical and safety equipment to perform inspections.

### Conclusion

The Council has implemented the Department's recommendations.

## 14 – ADEQUACY, SECURITY AND AVAILABILITY OF PUBLIC RECORDS

### Purpose

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

### Background

Sections 216 and 217 of the Building Act 2004 set out the broad record-keeping requirements for territorial authorities and building consent authorities.

### Initial review

Public records for building consents were held in hard copy form at the Leeston office and could be readily accessed for viewing. Photocopying facilities were also made available. The Department considered that technical record-keeping practices were of an acceptable standard and the Council was providing the public with adequate access to its records.

### Follow-up review

Since the initial review the Council has moved to new premises in Rolleston. Its consent files are stored in hard copy and each consent file is uniquely identified. The public are able to access the building consent files by requesting them from the front public counter. The records are contained in a secure filing area. The Department identified a number of issues with the recording, identification and completeness of building consent documentation and their associated records. Of particular concern was the number of plans that did not have an approved stamp or unique identifying number.

<b>Recommendations made to the Council</b>	<b>Response from the Council</b>
Implement a system to ensure the Council's building consent files consistently contain all the information required by section 216 of the Building Act 2004.	Currently, all relevant information is contained in each individual consent file (as per procedure TMS 05). Files are passed to the Council records department for inclusion in the property file.  The Council advises that it is also waiting for a new Council-wide document tracking system to be implemented and the building control unit has been asked not to progress substantive system reform outside this wider project.
Ensure building consent documentation is clearly marked with a unique identifier.	All building consent applications are allocated a unique consent number in the NCS computer system. This number is marked on its consent file and stamped on all pages of both sets of the building consent documents (file set and signed site set).

### Conclusion

The Council has implemented the Department's recommendations. However, while awaiting the new Council-wide document tracking system, it needs to ensure all information required by section 216 is consistently filed for each consent application.

## 15 – RELATIONSHIPS WITH OTHER TERRITORIAL AUTHORITIES AND BUILDING CONSENT AUTHORITIES

### Purpose

To identify good practice or issues arising from the Council's dealings with other territorial authorities.

### Background

In today's climate of scarce building control resources, there are significant advantages for councils to maintain collaborative working relationships with other councils' building control units. This will enable the sharing of knowledge and expertise.

### Findings

The Council has positive and interactive relationships with its neighbouring territorial authorities. This was highlighted by the fact that the Council was engaging its neighbouring BCA (Christchurch City Council) as a technical resource in relation to assessing fire engineering compliance. This is considered good practice by the Department and we would encourage this process.

The Council has also entered in a memorandum of understanding between the building control sections of:

- Ashburton District Council
- Buller District Council
- Christchurch City Council
- Grey District Council
- Hurunui District Council
- Kaikoura District Council
- Marlborough District Council
- Nelson City Council
- Tasman District Council
- Waimakariri District Council
- Westland District Council.

Senior building control staff members from the above territorial authorities have been working together on developing a regional approach to implementing the Building Act 2004. Their principal aim is to develop and implement common processes, procedures and standards for building control services across the region and to achieve consistency of interpretation and application of the Building Act 2004.

## Conclusion

The Department considers these relationships to be fundamental to achieving consistent and good practices across these regions. The Department encourages that these relationships be fostered so that sharing of information and technical expertise becomes common practice.

## 16 – CASE STUDIES OF COMPLETED BUILDINGS

### Purpose

To undertake case studies of building consents in order to assess the adequacy of the Council's building consent processing and inspection regime. The case study findings often reflect and reinforce the more general review findings outlined under the other terms of reference.

### Background

The Department identified a number of buildings recently processed by the Council and progressed to code compliance certificate stage (although sometimes case studies can involve buildings still in the construction phase). These buildings were chosen to be typical of the building type that the Council dealt with and which involved compliance elements that were known to be difficult (such as accessibility, or weathertightness with monolithic claddings). The findings of the case studies were used to support and reinforce the more general review findings outlined throughout the report.

### Initial review

The case studies examined indicated that the Council was not consistently addressing weathertightness and accessibility compliance, and plumbing and drainage issues. Improvements were also required in the Council's inspection checklists and how it was documenting findings from inspections.

Recommendations made to the Council	Action taken by the Council before the follow-up review
Develop a peer review process to ensure training provided by the Council is consistently being applied by staff.	Progress made by the Council is discussed throughout this report. In particular, refer to parts 4, 7, and 12 of the review's terms of reference.
Provide frequent opportunity for processing and inspection staff to constructively discuss compliance issues, which will aid in addressing issues of consistency.	
Develop more rigorous and detailed processing and inspection checklists to ensure compliance with the Building Code, with particular attention to accessibility and weathertightness compliance.	

### Follow-up review

The main findings from the case studies undertaken during the follow-up review are noted below. These are also discussed in the body of the report, above.

- **Vetting issues** – Some building consent applications had been accepted for processing when they lacked sufficient detail to show how compliance with the Building Code would be achieved.
- **Processing issues** – Some check sheets used by processing or inspection staff were only partially filled in, did not cover off all Building Code clauses, and lacked sufficient detail. A number of building consent files examined often contained inconsistent, inadequate or incomplete information, or didn't have sufficient project specific information (and instead relied on general information that was not specific to the building work in question). Better compliance records are still needed to clearly demonstrate how the Council is satisfied on reasonable grounds that compliance with the Building Code has been, or would be, achieved. Approved plans had not been clearly marked as such – eg, by using a stamp, adding a date, signature, and unique consent identification number.
- **Granting/issuing of consents** – Some files recorded that consents had been issued before they were granted. This is inconsistent with the process set out in the Building Act 2004.
- **Timeframes** – Some PIMs and building consents had not been processed within the statutory timeframes.
- **Non-compliance** – The recurring areas of non-compliance identified included weathertightness compliance (although in many cases the non-compliance was relatively minor), plumbing and drainage issues, accessibility compliance, and fire compliance. A review of on-site compliance found some cases where building inspectors had provided a lack of justification for their inspection decisions. In contrast some inspection records were very thorough, clear and well compiled.
- **Producer statements** – The procedures for accepting producer statements need to be reviewed. Some producer statements only covered Clause B1 (Structure) and not Clause B2 (Durability), and it was sometimes unclear what checks and balances the Council had applied when it considered producer statements.

Recommendations made to the Council	Response from the Council
<p>Implement the recommendations contained in the body of the report and continue to improve processing and inspection methods.</p>	<p>Some of the key initiatives include the following.</p> <ul style="list-style-type: none"> <li>• Ninety-six percent of building consents were processed within the statutory timeframe for the period of June and September.</li> <li>• Producer statement training has occurred for staff, and mentoring and auditing by a contracted Chartered Engineer implemented.</li> <li>• Daily opportunities are provided for all staff to discuss compliance issues and seek greater consistency with successive levels of management.</li> <li>• The current review of BCA manual will help result in more comprehensive processing and inspection checklists to ensure compliance with the Building Code.</li> </ul>
<p>Two areas to pursue are its processes around ensuring:</p> <ul style="list-style-type: none"> <li>• key decisions and their justification are recorded</li> <li>• check sheets are being used properly (eg, provide training in the use of the check sheets and monitoring of the implementation of training).</li> </ul>	<p>The Council advises that issues, decisions and outcomes are recorded in Team Leaders' meeting minutes.</p>

## Conclusion

The Council has made progress to implement the Department's recommendations. However, work is still needed to further reduce the non-compliant work that is not being identified, and to strengthen some of the Council's building control systems and processes. A good example is the need to ensure its compliance decisions (eg, whether to grant a building consent or whether building work complies with the building consent and all legal requirements) and the reasons for these decisions are clearly recorded to provide a sound audit trail.

## 17 – ACCOMPANYING PERSONNEL DURING INSPECTIONS

### Purpose

To assess the effectiveness of inspectors' building control processes, how they use the Council's inspection methodology, the level of building compliance achieved, and how inspectors interact on-site with consent applicants and builder/contractors.

### Background

The inspection processes and the effectiveness of the inspectors are critical to the overall effectiveness of the building control process. This section of the review involved accompanying the inspectors during their normal inspection workload. Observations from the Department often reinforce observations made during the case studies.

### Initial review

The initial review identified the following areas needing improvement.

- Peer review of inspectors’ work
- Consistency between inspectors’ notes
- The final review process prior to issuing a code compliance certificate is considered robust but needs documenting

Inspectors are generally working within their skillsets, but a full-time plumbing and drainage specialist is needed to assist with plumbing and drainage issues and to provide support and training to existing staff undertaking plumbing and drainage inspections.

<b>Recommendations made to the Council</b>	<b>Action taken by the Council before the follow-up review</b>
Engage the services of a full-time plumbing and drainage officer to undertake plumbing and drainage inspections, as well as to provide training and support to inspection staff.	The Council had employed a plumbing and drainage inspector with qualifications in this field. This inspector has provided guidance and support to other inspectors in relation to plumbing and drainlaying. The Council has also appointed him as a technical expert for plumbing and drainlaying.
Develop a procedure for following up outstanding notices.	The Council developed a procedure for issuing notices to fix.
Strengthening its inspection methodology by: <ul style="list-style-type: none"> <li>• implementing an on-site peer review process to ensure inspectors are using a consistent approach to inspections and record-keeping</li> <li>• documenting its inspection policies and procedures</li> <li>• developing further inspection checklists for each type of inspection</li> <li>• continuing to review and enhance inspection prompt sheets</li> <li>• encouraging inspectors to use prompt sheets and attach copies to the inspection notice for record.</li> </ul>	The Council developed a procedure for undertaking inspections. On-site peer review has been occurring, although a little inconsistently. The Council has developed further inspection prompt sheets (BAM 200-213). The Council advised that work to strengthen its inspection methodology was part of its ongoing maintenance of its BCA manual.

### Follow-up review

The Council has developed a procedure for undertaking inspections and issuing notices to fix (refer to TMS 30 Inspections and TMS 31 Notices to Fix).

Site instructions are also being issued regularly by inspectors to identify areas where work did not strictly comply with the plans and specifications and further work was required. The Department agrees with this process, but the Council needs to document this in its procedures.

The Council had undertaken some peer review/on-site audits of inspections to help it assess the competency of its employees and to ensure implementation of the systems and procedures it has developed for BCA accreditation. However, this is not a consistent practice.

Although inspection prompt sheets have been developed and implemented (refer to BAM 200–213) they, in some cases, lack specific detail to ensure specific areas of the building have been assessed during on-site inspections. Inspection records have improved since the initial review, but further improvement can still be made, especially in relation to recording the justifications for inspection decisions.

<b>Recommendations made to the Council</b>	<b>Response from the Council</b>
Document the process it uses for issuing site instructions.	The Council advises that it now requires inspection notices to be done in duplicate. One is left on site, while one is kept with the inspector and filed in the consent file.
Continue to enhance its inspection prompt sheets and provide more specific detail on items to check on site.	Some progress has been made and this is anticipated to be finalised by BCA manual Review.
Improve the detail of its records by recording the reasons that the inspection has passed or been approved, and the decisions that were made on site.	The Council advises that more intense training of staff by the Inspections Team Leader is occurring.

## Conclusion

The Council has partially implemented the Department’s recommendations, but further progress can be made. Work is continuing with the review of its BCA manual. The Department reiterates that a key focus from here is to ensure inspection records clearly show the reasons for on-site compliance decisions.

## 18 – FEEDBACK FROM THE COUNCIL

Under section 276(2)(a) of the Building Act 2004, the Department, when carrying out technical reviews, must give territorial authorities a reasonable opportunity to make written submissions on the review.

The Department provided opportunities for the Council to submit feedback, which was incorporated throughout this report, where appropriate. The Council also provided feedback on a number of other issues about the review process. The Department responded to each in written letters. The key issues are summarised in the table below, along with the Department’s response.

Summary of issue	Response
<ul style="list-style-type: none"> <li>The Council requested that revised drafts of reports be provided to it, prior to publication.</li> </ul>	<ul style="list-style-type: none"> <li>Draft reports were submitted to the Council at each stage of the review. Revised drafts were provided after feedback had been included. Gaps in Council feedback were followed up with further requests for information on work the Council had progressed.</li> </ul>
<ul style="list-style-type: none"> <li>The Council was concerned that the time elapsing between on site review visits occurring and the Department's reports being produced might mean that work progressed in the interval was not captured.</li> </ul>	<ul style="list-style-type: none"> <li>The dates of the two on-site review visits and the dates the Department's reports were produced are clearly shown.</li> <li>Reporting for each phase of the review is based on what was observed while on site.</li> <li>Initiatives progressed by the Council after the on-site review visits have been captured by the next phase of the review process. Work completed after the follow-up review is also included, if this was communicated to the Department.</li> <li>All feedback received by the Department has been factored into the review reports.</li> </ul>
<ul style="list-style-type: none"> <li>The Council expressed concern about the limited technical industry training options available and information/advice provided from the Department.</li> </ul>	<ul style="list-style-type: none"> <li>The Department agrees there needs to be more technical training options available in the sector. Where relevant, it has encouraged this and has also provided some technical training initiatives for the sector.</li> <li>The Department and other sector partners have supported the development of a first building control qualification for residential buildings. Work on another qualification for more complex buildings is also well advanced. This is being led by the Local Government Industry Training Organisation, with support from key sector stakeholders.</li> <li>The Department produces considerable guidance and advice for the sector. Some of this is summarised opposite. This material is freely available at <a href="http://www.dbh.govt.nz">www.dbh.govt.nz</a></li> </ul>
<ul style="list-style-type: none"> <li>The Council felt the technical review process essentially duplicated the building consent authority accreditation scheme in the Building Act 2004. It was concerned that this was an inefficient use of Council resources.</li> </ul>	<ul style="list-style-type: none"> <li>Technical reviews and the BCA scheme are separate regulatory initiatives, which have different scopes, purposes, methodologies, and use different standards to assess performance. They do not duplicate each other.</li> <li>Recommendations made during technical reviews are targeted towards an identified performance issue and are independent of the BCA scheme.</li> </ul>

## 6. Next steps

### Further reviews

The Department will continue to carry out technical reviews of territorial authorities and building consent authorities including further reviews of Selwyn District Council, in accordance with its statutory requirements under the Building Act 2004.

### Guidance documentation

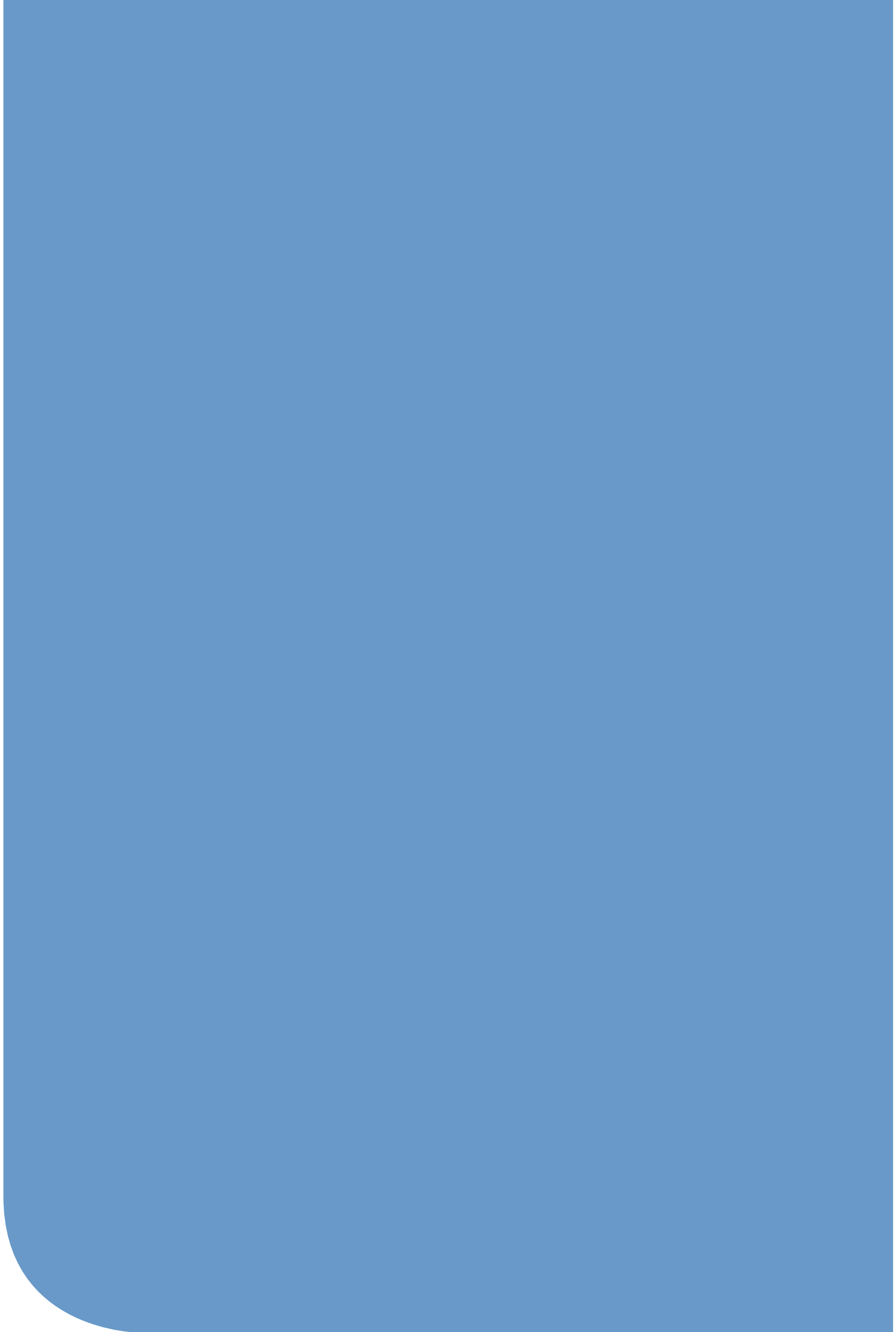
Under section 175 of the Building Act 2004, the Chief Executive (of the Department of Building and Housing) has a statutory role in the publishing of guidance information for territorial authorities and building consent authorities. The Department has published a range of guidance information to assist territorial authorities and building consent authorities in understanding how to comply with the Building Act 2004 and their building control responsibilities. This includes:

- Building work that does not require a building consent – A guide to Schedule 1 of the Building Act 2004 (November 2008)
- Guide to applying for building consent (simple residential buildings) (January 2007)
- Guide to building consent amendments (September 2008)
- Means of establishing compliance: alternative solutions (October 2008)
- Building Act 2004: Guide to exemptions from building consent requirements (October 2008)
- Building Act 2004: Information for designers, builders and specialist trades (May 2005)
- Building Act 2004: New safety measures for premises intended for public use – Section 363 (May 2005)
- A beginner's guide to resource and building consent processes under the Resource Management Act 1991 and the Building Act 2004 (June 2008)
- Building consent authority accreditation preparation and self-assessment guide (February 2007)
- Building consent authority development guide (February 2006)
- Building infringement scheme guidelines (June 2008)
- Building officials' FAQs (August 2005)
- Building officials' guide to the Building Act 2004 (August 2005, second edition)
- Compliance schedule handbook (2007)
- Critical requirements for the assessment of monolithic cladding (April 2004)
- Dangerous and insanitary building provisions of the Building Act 2004: Policy guidance for territorial authorities (October 2005)
- Earthquake-prone building provisions of the Building Act 2004: Policy guidance for territorial authorities (June 2005)
- External moisture – A guide to using the risk matrix (June 2005)
- External moisture – An introduction to weathertightness design principles (August 2006)
- Practice Advisory 6: Achieve best practice – every step of the way (June 2005)
- Practice Advisory 5: Allow for movement (June 2005)
- Reinforcing steel in New Zealand – A quick guide for designers, building consent authorities and contractors (December 2005)

This and other guidance information is available online at [www.dbh.govt.nz](http://www.dbh.govt.nz). The Department also participates regularly in workshops and conferences to provide updates and information to the sector.

### Further information

Further information about both the technical review programme and the Building Consent Authority Accreditation and Registration Scheme can be accessed online at [www.dbh.govt.nz](http://www.dbh.govt.nz)



Published in February 2009 by  
Department of Building and Housing  
PO Box 10-729  
Wellington, New Zealand

This document is also available  
on the Department's website:  
[www.dbh.govt.nz](http://www.dbh.govt.nz)

You can copy all or some of this  
document only if you are using it for  
education or public information, and  
you say it came from us. You cannot  
copy any of this document in any  
way for commercial use, and you  
cannot keep it in a retrieval system  
unless you ask us first.

ISBN 978-0-478-32774-8 (print)  
ISBN 978-0-478-32775-5 (website)