



Department of
Building and Housing
Te Tari Kaupapa Whare

Technical Review

of the Building Control Operations of Thames Coromandel District Council

Summary Report

February 2009



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Important notice to persons 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 (local authorities) of their functions under the Building Act 2004 (the Act). 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 sampling building control activities, and cannot be taken as a full and comprehensive review of competency and quality.

A technical review is carried out by:

- assessing whether the processes and procedures are sufficient to enable the local authority to satisfy the requirements of the Act, and related Regulations, including the New Zealand Building Code (Building Code)
- providing advice and assistance on best practice, and
- receiving comment and feedback from the local authority.

1. Overview

Purpose

This report summarises a technical review of Thames Coromandel District Council's key territorial authority building control functions. The review was undertaken by the Department of Building and Housing (the Department) during July 2008. The review followed complaints that the Council was not performing its functions as required under the Building Act 2004 and could strengthen areas of its building control capacity and capability.

Structure and content

Terms of reference for the review are described on page 9. As well as assessing statutory functions under the Building Act 2004, the review also considered generic issues such as the capacity and technical capability/competency of the Council's building control unit and its relationship with building control units in other territorial authorities.

Key findings from the review

The review found that the Council was performing to an adequate standard in several areas. The Council:

- makes appropriate delegations of its statutory powers and responsibilities
- accurately collects and reports building control statistics and hazard information
- maintains positive relationships with its neighbouring territorial authorities
- offers pre-lodgement meetings to its clients as a proactive way of trying to clarify expectations and create efficiencies.

The Council has reasonably sound written procedures for a number of its building control functions, including:

- producing project information memoranda (PIMs)
- the building warrant of fitness scheme
- issuing certificates for public use, notices to fix and certificates of acceptance
- changes to the use of buildings
- identifying and dealing with dangerous, insanitary and earthquake-prone buildings.

Many of these procedures usually covered the core provisions of the Building Act. However, improvements are still needed to a number of these procedures and how they are being implemented.

The review identified four main areas where the Council is facing some challenges. Addressing these issues will improve the quality of service to Council customers and compliance with the Building Act. The key issues are as follows.

Understanding and applying statutory responsibilities

The review highlighted that there are some areas of the Building Act and Regulations that need to be more thoroughly understood and consistently applied by Council building control staff. In particular, the Council needs to:

- improve staff understanding of timeframes and issuing building consents in relation to project information memoranda
- improve staff understanding of the use of waivers and modifications of the Building Code
- improve staff identification of specified systems at the consent processing stage
- review how it is responding to illegal building work, and issuing and enforcing notices to fix.

Documentation around building control decision-making

A recurring theme identified across the review was the need to strengthen how key regulatory decisions were being recorded. In some cases there was only limited evidence on file to show:

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

In particular, the Council needs to better document:

- public safety issues when issuing certificates for public use
- information when issuing notices to fix, such as the location of the building work, the nature of the breach in question, and the specific remedial action the Council requires
- the justification for issuing certificates of acceptance, based on the Building Code
- the basis for deciding work does not require a building consent under Schedule 1, clause (k), of the Building Act.

Effective implementation of building control systems, policies, and procedures

Some systems, policies, and procedures need improvement and more effective implementation.

In particular, the Council needs to:

- review its procedures on waivers and modifications of the Building Code, and strengthen how it assesses requirements about land subject to natural hazards
- bring its compliance schedule system into line so that it fully complies with the provisions of the Building Act
- implement its documented building warrant of fitness procedures
- enhance its procedures for issuing certificates for public use and certificates of acceptance
- enhance its procedures about alterations to existing buildings
- clearly define what information is required to be kept on property files and ensure this information is consistently being filed
- implement measures to ensure procedures for its regulatory functions are being consistently followed, such as peer review or internal audits.

Capacity and capability

While the Council had also made some progress to shore up some capacity limitations (eg, seeking to fill vacant positions and allocating a person to its building warrant of fitness system and associated enforcement), further work is required.

The key issues identified around the Council's capacity and technical building control capability were that the Council needs to:

- develop further strategies to bolster its necessary capacity and continue to try harder to fill existing vacancies
- better manage gaps in its technical knowledge and competence (particularly fire and accessibility compliance)
- pursue practical solutions to address these limitations, including continuing to use external contract expertise and increased internal or external training/guidance/mentoring
- nominate one or more technically competent staff to make the final decisions on whether to grant or refuse waivers and modifications of the Building Code.

The Council's progress towards implementing review findings

The Council provided the following generic feedback on the review process.

- It considers the technical review process to be extremely valuable.
- It is committed to working with the Department and others to ensure its building control operations are carried out in a manner that is consistent with achieving the purposes of the Building Act 2004.
- The Council accepts each of the findings in the Department's summary report of the technical review. The Council's response to these findings is to adopt and work on each of the report's recommendations.
- In the relatively short time since receiving the review report, the Council has already taken steps to improve its operations. There is much work still to do, and the Council is committed to doing it.

Since the on-site review, the Council contracted an external building control specialist to undertake competency assessments for its building control staff. The Council advises that the findings from this work were largely consistent with many of the findings from the Department's technical review.

The Council identified key themes across both reports that included:

- capability and competence of in-house staff to perform building control functions for all categories of building work
- some inconsistencies in following some documented procedures
- limitations of staffing resources in the areas of compliance and enforcement
- a gap in team leadership (at the level between building control officers and the building control manager)
- the need to review its building control procedures
- limitations in the Council's auditing processes.

In November 2008, the Council's Group Manager, Environmental Services, met with staff from the Department and the external building control specialist it had commissioned to discuss the reports, clarify the critical issues, and agree the best way forward. The two reports were then shared with Council building control staff to obtain their input. Key personnel from across the Council subsequently met and developed their response to issues raised. Particular focus was given to the key themes noted above.

Some of the key outcomes from this process included:

- ensuring work is only allocated to building control officers who are technically competent to do that work
- ensuring staff follow the Council's documented procedures
- dedicating a senior staff member to lead, mentor and supervise the Council's building control officers until the vacant team leader position is filled
- the Group Manager, Environmental Services agreeing to support the case for team leader(s) and reallocating the workload of the staff member who will act in the role in the interim
- reviewing compliance resourcing needs
- initiating discussions with an external building control specialist to help manage identified gaps in technical capability or provide additional capacity when this is needed
- identifying a potential contractor to assist with compliance, the building warrant of fitness regime, enforcement activity, and other needs
- progressing further training planning after the recent competency assessment process
- reporting to the Council's Judicial Committee, its Audit Committee and its Leadership Team on the findings and outcomes from the recent reviews.

The Council also began a review of the internal auditing processes used by its building control unit. While the review will be ongoing, some of the steps the Council has decided to implement include internal audits to check that work allocation is based on competence, processes are being consistently followed, producer statements are being accepted appropriately, and the necessary resources are being provided. The Council will also introduce a system of 'spot checking' on inspection work, with regular feedback to staff, and strengthen its system of internal peer review.

Conclusion

Overall, the review found there were a number of things the Council was doing well, but there was also room for improvement across the four broad areas identified above. The Council has agreed with all of the Department's findings and recommendations, and is progressing work to fully implement them.

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 for 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 issuing building consents and code compliance certificates.

Role of the Consent Authority Capability and Performance Group

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

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

Role of territorial authorities

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

Thames Coromandel District Council

The Council's jurisdiction covers the Coromandel Peninsula and is largely surrounded by sea, with views across the Firth of Thames and Hauraki Gulf to the greater Auckland Region on the west coast and the Pacific Ocean on the east coast. The Council is one of 11 district councils and one city council in the Waikato Region and it shares its southern boundary with Hauraki District Council.

From the last census, the usual resident population of the district was 24,819 people. The district also experiences large influxes of holiday-makers and tourists over the summer months, with the population peaking at approximately 200,000 around the Christmas and New Year periods. The resident population and seasonal influx of people are significant in relation to the public safety aspects of the Council's territorial authority functions under the Building Act.

3. Purpose of the technical review

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

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

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

Technical reviews are not intended to evaluate the performance of individual staff and are not comprehensive audits involving detailed examinations of all aspects of a territorial authority's building control operations. They also do not assess the territorial authority against a particular model or expressly measure it against the performance of other territorial authorities.

Legislative basis

This review is initiated under sections 204 and 276 of the Building Act. It is a function of the Chief Executive to monitor and review the performance of territorial authorities and building consent authorities to determine whether they are properly exercising their powers and performing their functions under the Act.

4. The review process

Scope of the review

The Department undertook its review of Thames Coromandel District Council's building control unit following a number of complaints from the industry and the public – in particular about its capability and capacity to undertake its building control functions. Because the drivers for this review were, in part, these complaints, the Department focused on the key issues raised by them. The terms of reference for the review are set out below.

Prior to the review, the Department followed up on the complaints raised against the Council via a separate process. At the end of this process, the Council worked to strengthen its procedures. This technical review was then undertaken, in part, to monitor the Council's implementation of those new procedures and to also provide recommendations for enhancing its overall performance.

This review's terms of reference covered 14 areas, which collectively cover the key components of the Council's territorial authority functions. The terms of reference are set out below.

1	Organisational and management structure
2	Consent statistics
3	Project information memoranda (PIM) processing
4	Issuing building consents subject to waivers or modifications of the Building Code
5	Compliance schedules and the building warrant of fitness system
6	Issuing certificates for public use
7	Notices to fix
8	Issuing certificates of acceptance
9	Considerations on additions, alterations and change of use
10	Functions in relation to earthquake-prone, dangerous or insanitary buildings
11	Determining whether building work is exempt under the Schedule 1 clause (k)
12	Capacity and technical capability/competency of the Council's building control unit
13	Relationships with other territorial authorities
14	Access to and storage of building consent documentation

Undertaking the technical review

The Department made an on-site visit to Thames Coromandel District Council in July 2008. The information obtained during the visit provided a snapshot of the Council’s building control operations at that point in time.

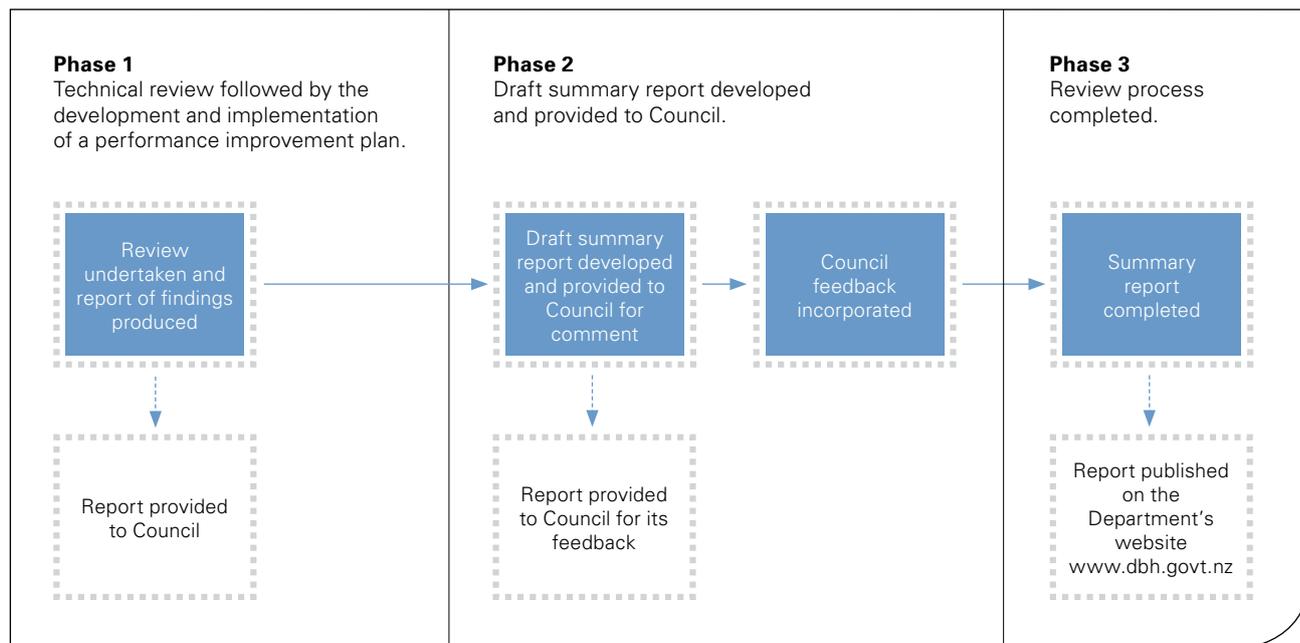
The Department used four broad approaches to gathering information about the Council’s building control activities. These were:

- observing staff undertaking work
- reviewing written material used and produced by staff (eg, policies, procedures, processing 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 had recently been, or were currently being, handled by the territorial authority or building consent authority.

For this review, 10 case studies of processed commercial/industrial building consents were undertaken to assess for compliance with the Building Act and its associated regulations. There was a particular focus on compliance with public safety aspects of the Building Act, such as specified systems, compliance schedules and building warrant of fitness requirements. Building consent records were reviewed to assess the adequacy and effectiveness of the Council’s systems. Aspects considered were the adequacy and completeness of approved documentation (in particular, the adequacy of the compliance details), the assessment of building consent documentation, and the effectiveness of its quality control systems.

Figure 2, below, summarises the review process.

Figure 2: Overview of the technical review process



5. Key findings of the review

The key findings of the review are outlined under each part 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 examine the organisational and management structure of the Council's building control operations, consider how it delegates legislative powers, duties and responsibilities, and identify any issues with its effectiveness.

Background

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

Findings

The Council operates out of its main office in Thames with area offices in Whitianga and Whangamata. The Council undertakes a significant amount of building control work (refer to part 2 of the review's terms of reference, below). A large proportion of this work is mid- to high-end residential development with some localised commercial and industrial building work in its main centres.

The Council has 16 fulltime technical staff, 15 field officers and building officers (processing) and a Building Control Manager. The Council also has 13 administration staff. At the time of the review visit, the Council had two vacant technical positions (discussed further under part 12 of the review's terms of reference, below).

All staff have been delegated the appropriate powers in terms of the Local Government Act 2002 and the Building Act. Appropriate warrants have been issued to technical building control staff by the Council and listed in its procedures manual.

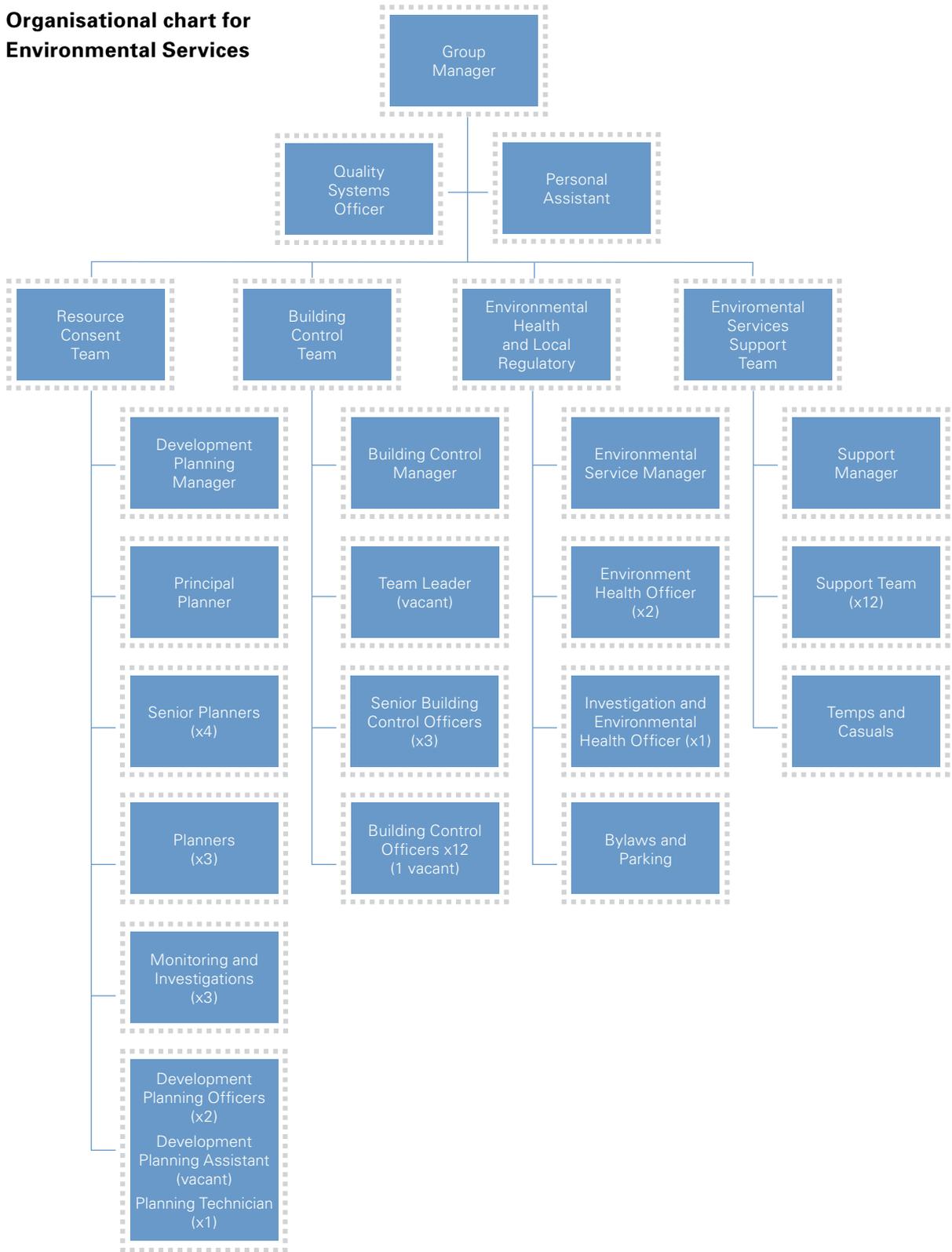
The Council's Building Control Manager was the named and delegated individual responsible for undertaking a large proportion of the Council's building control procedures. This is discussed further under part 12 of the review's terms of reference.

The Council's organisational chart for its Environmental Services group is provided on page 12.

Conclusion

The Council's management structure and delegation powers and responsibility are appropriate.

Organisational chart for Environmental Services



2 – CONSENT STATISTICS

Purpose

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

Findings

The Council provided the following statistics for the 12-month period ending June 2008.

Table 1: Thames Coromandel District Council consent statistics ending June 2008

12-month period ending June 2008	
Number of building consents issued	1446
The total value of consented construction work	\$145,763,029
Number of code compliance certificates issued	1242
Number of compliance schedules issued	11
Number of current building warrants of fitness within its district	316
Number of certificates of acceptance issued since their introduction	32
Number of certificates for public use issued since their introduction	9

Conclusion

The Council did a significant amount of building control work over the year ending June 2008. The Council's building control statistics appear to be accurately collected and reported.

3 – PROJECT INFORMATION MEMORANDUM PROCESSING

Purpose

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

Background

Sections 31–39 of the Building Act cover applying for, producing and issuing PIMs. These sections specify the minimum information that 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 a building on the site.

Findings

The Council's documented procedures for producing and issuing PIMs cover the core requirements of the Building Act 2004.

The Council's hazard information is appropriately detailed and the information provided in its PIM in relation to hazards is appropriate. The district's recent events highlighting hazards in the area have been well recorded for future input into PIMs.

The Council undertakes pre-lodgement interviews prior to accepting some building consent and PIM applications. This allows the Council to identify possible issues that may arise during the processing of the building consent and communicate these to applicants. This process is followed by a formal PIM, which is generally provided to the applicant within the statutory timeframe. Public information detailing this process is available.

However the Department found that these procedures could be improved by:

- providing information to staff about the timeframes for parts of the PIM process – for example, the New Zealand Historic Places Trust must be notified of an application in relation to a registered historic building within five days of the Council receiving the application
- clarifying the procedure for building consents subject to resource consents. The Council's planning check procedures state that a building consent application may be held until the necessary resource consent is issued. This procedure is not provided for by the Building Act. Rather, section 37 of the Building Act allows a council to attach to the PIM a certificate stating that no building work may proceed or building work may only proceed to the extent stated in the certificate. This certificate should be attached to the issued building consent (section 51).

Recommendation to the Council	Response from the Council
The Council can improve consistency by:	
<ul style="list-style-type: none">• Ensuring timeframes for input into PIMs are included in the PIM procedure guidelines	The Council advised it will update its PIM procedure guidelines accordingly.
<ul style="list-style-type: none">• Ensuring the PIM procedure complies with the Building Act in relation to issuing PIMs and building consents subject to section 37.	The Council advised it will amend its planning check procedures.

Conclusion

The Council's procedures for producing and issuing PIMs did not cover all the core requirements of the Building Act. The Council has agreed that it needs to make amendments to its PIM procedures.

4 – ISSUING BUILDING CONSENTS SUBJECT TO WAIVERS OR MODIFICATIONS OF THE BUILDING CODE

Purpose

To examine how the Council considers building consent applications subject to waivers and modifications of the Building Code.

Background

Under sections 67–70 of the Building Act, a building consent authority that is a territorial authority may grant a building consent application subject to a waiver or modification of the Building Code. A waiver or modification of the Building Code may be subject to any conditions the territorial authority considers appropriate. A territorial authority must notify the Chief Executive of the Department of Building and Housing if it grants a waiver or modification. A territorial authority cannot grant a waiver or modification to the Building Code that relates to access and facilities for people with disabilities.

Findings

There were four key issues identified by the Department.

Consistently understanding and adhering to procedures

The Council has a procedure in place for the granting of waivers and modifications. However, the Council needs to ensure the procedure on waivers and modifications is being consistently followed. The Department identified that some staff were not clear on when it should be used.

Using waivers and modifications versus Compliance Documents and alternative solutions

Waivers and modifications relate to specific performance requirements of the Building Code that the Council has considered and agreed do not need to be met for a specific building project. That is, the Council agrees that compliance with a particular provision of the Building Code does not need to be achieved in a particular case. In contrast, Compliance Documents and alternative solutions are provided to show compliance with the Building Code.

The Council needs to ensure all staff fully understand these two different building control processes and when it is appropriate to use each. If a building consent applicant applies for a waiver or modification, they must justify the reasons why their proposal does not need to comply with the specific performance requirements of the Building Code. The Council must then assess the appropriateness of the proposed waiver or modification.

Waivers and modifications in relation to building on land subject to a natural hazard

The Council has areas within its district that are prone to specific natural hazards (such as flooding). Where building consents are applied for in these areas, the Council currently notifies the persons referred to in section 73 of the Building Act in all cases. However, notification is only required when:

- (a) the building work to which an application for a building consent relates will not accelerate, worsen, or result in a natural hazard on the land where building work is to be carried out or any other property, and
- (b) the land is subject or is likely to be subject to one or more natural hazards, and
- (c) it is reasonable to grant a waiver or modification of the Building Code in respect of the natural hazard.

Therefore, if the Council does not grant waivers or modifications of the Building Code, there should be no requirement to notify, as the hazard should have been mitigated and compliance with the Building Code achieved.

Personnel responsible for waivers and modifications

The Department identified that the people listed as responsible and authorised for undertaking this procedure were the Building Control Manager, the team leader and building officials (which covers most of the Council’s technical building control unit). Assessing whether a waiver or modification should be granted is an important decision. Although a range of technical staff could be involved in assessing applications for waivers and modifications, the final decision on whether to grant should be made by a named person(s) within the Council who is technically competent and authorised to do so.

Recommendations to the Council	Response from the Council
<ul style="list-style-type: none"> Review its procedure on waivers and modifications of the Building Code, and develop and implement a more comprehensive procedure. 	<p>The Council advised it will review its procedure on waivers and modifications of the Building Code and, as appropriate, implement a more comprehensive procedure.</p>
<ul style="list-style-type: none"> Ensure the procedure is followed consistently. 	<p>The auditing regime will be amended to include checks that the current procedure relating to waivers and modifications of the Building Code is being consistently followed.</p>
<ul style="list-style-type: none"> Review the procedure on assessing whether a solution could be provided by a Compliance Document or an alternative solution. 	<p>The Council advised that it will review its procedure accordingly.</p>
<ul style="list-style-type: none"> Implement a more comprehensive procedure for assessing requirements under sections 71–74 of the Building Act. 	<p>Incidental to a review of its procedure in this area, the Council will seek legal and technical advice on the matters covered under these sections of the Act.</p>
<ul style="list-style-type: none"> Nominate technically competent staff to make the final decisions on whether to grant or refuse waivers and modifications to the Building Code. 	<p>With reference to the most recently available competency assessments (assessments are re-done from time to time), the Council will nominate technically competent staff to undertake this task.</p>

Conclusion

Waivers and modifications of the Building Code are an important and useful tool for councils and consent applicants to use, if they can be justified. They provide a common sense approach to areas of construction and types of buildings where it may be impractical to comply with certain performance requirements of the Building Code. The Council needs to strengthen its systems for dealing with potential waivers and modifications and ensure staff have a sound understanding of the relevant provisions in the Building Act about these. It has agreed to undertake further work to implement the Department’s recommendations made above.

5 – COMPLIANCE SCHEDULES AND THE BUILDING WARRANT OF FITNESS SYSTEM

Purpose

To examine the Council's compliance schedule and building warrant of fitness (BWoF) systems to determine whether it has appropriate checks and balances to ensure compliance schedules are issued in a timely manner and that staff are technically competent to administer and enforce these systems.

Background

Sections 100–111 of the Building Act set out the particular responsibilities for owners of residential, commercial, institutional and industrial buildings and for territorial authorities and building consent authorities. Buildings containing certain specified systems such as fire alarms and lifts require these systems to be listed on a compliance schedule. The owner must ensure continued effective operation of those systems and show this by displaying a current BWoF in their building.

Findings

Compliance schedules

As part of the processing check, the Council has developed procedures for compliance schedules and also refers to them in its quality manual. The procedural steps for compliance schedules include:

- identifying whether the building contains any specified systems and whether a compliance schedule is required
- verifying whether there is an existing compliance schedule
- completing a compliance schedule advice form for a field inspector.

The Department considers that these procedures do not fully address all of the Building Act requirements for assessing specified systems.¹ The Council must ensure the building consent application states whether a compliance schedule is required and lists the specified systems in the building or, if an amendment to an existing compliance schedule is required, a list of the specified systems that are being added, altered or removed.

The Department found that specified systems were not consistently identified on building consent applications or listed in building consents the Council was issuing.² In addition, field inspector cards were not always kept on file, which meant it was not always possible to check whether compliance schedule requirements had been assessed.

The Council's procedures for preparing and issuing a compliance schedule and compliance schedule statement are sufficient for new buildings, but are lacking for existing buildings. The compliance schedules and compliance schedule statements considered in the review list the type of specified systems as required under the Building Act. This is likely to be adequate for new buildings that have never had a compliance schedule issued before. However, the testing and maintenance requirements appear generic and not job-specific. For older and existing buildings it is important to specify what standard the specified systems are maintained and tested to, and who does the testing.

The Council's quality manual states that 10 percent of all buildings with a compliance schedule will be audited annually. The Council needs to put in place an auditing process to ensure this takes place. This audit is also essential to satisfy the requirement to audit building warrants of fitness.

¹ Section 45 of the Building Act and Form 2 of the Building (Forms) Regulations 2004 mention specified systems that are required to be listed and to accompany a building consent application.

² As required under sections 45(1)(g) and 51(1)(c) and (d) of the Building Act 2004.

Documentation

The review revealed that there is a lack of documentation to confirm the installation and testing of specified systems. These include significant systems such as lifts, fire alarms and electro-magnetic hold open devices. In some cases, few records were provided to indicate how the Council established compliance with the relevant provisions of the Building Act for processing the compliance schedule.³

Identifying specified systems on compliance schedules

Compliance schedules sighted during the review did not always correctly identify a specified system, for example by recording a mechanical ventilation/air-conditioning system rather than a domestic heatpump (which is not a specified system).

Building warrants of fitness

The Department found the Council's BWoF procedure to be adequate. However, there were cases where a lack of evidence had been included within the Council's documentation. In addition, the limitations identified above regarding compliance schedules will have a flow-on effect and impact upon the quality and accuracy of BWoF activity. For the BWoF system to work effectively, it is crucial that the information provided on the compliance schedule for specified systems and the appropriate testing and maintenance requirements is comprehensive and correct.

Recommendations to the Council	Response from the Council
<ul style="list-style-type: none"> Revise its compliance schedule procedures to be in line with the legislative requirements of the Building Act. 	<p>The Council advises that compliance schedule procedures will be reviewed and revised as necessary to ensure they align with the requirements of the Act.</p>
<ul style="list-style-type: none"> Clarify the links between the compliance schedule and BWoF processes in its building consent processing procedures. 	<p>The Council advises that it will clarify the links between these processes.</p>
<ul style="list-style-type: none"> Ensure staff consistently and correctly identify specified systems and their performance criteria at the consent processing stage and include these on the issued building consent document. 	<p>At the consent processing stage, the Council will work to ensure staff consistently and correctly identify specified systems and their performance criteria. This information will be included on issued building consent documents.</p>
<ul style="list-style-type: none"> Follow the documented procedures on BWoFs. 	<p>The Council advises that its auditing regime will be amended to include checks that the current procedure relating to BWoFs is being consistently followed.</p>
<ul style="list-style-type: none"> Undertake the stated annual compliance schedule and BWoF audits. 	<p>A programme that details timing and work required to undertake the annual compliance schedule and BWoF audits will be developed and implemented.</p>

Conclusion

The Council's compliance schedule system needs to be significantly strengthened. The Council also needs to consistently follow its documented BWoF procedures, including its requirement to audit 10 percent of buildings with compliance schedules annually. It has agreed to do further work to implement the Department's recommendations about this part of its regulatory operations.

³ Section 103 of the Building Act 2004 refers.

6 – ISSUING CERTIFICATES FOR PUBLIC USE

Purpose

To examine the Council's procedures for issuing certificates for public use and to ensure that the buildings the certificates relate to are safe for the public to use.

Background

Under section 363 of the Building Act, a person who owns, occupies, or controls premises which are intended to be open to the public or is being used by the public must not use or permit the use of any part of the premises that is affected by building work. It is an offence to contravene this section 363 duty. Where a code compliance certificate cannot be issued, such as when building work has not been completed, the owner may apply to the council for a certificate for public use.

Findings

The Council has developed procedures for certificates for public use and includes a description of certificates public use in its quality manual. These procedures should be improved by clearly stating how the Council would follow up on and respond to breaches of conditions included on a certificate for public use.

In spite of the documented procedures, the Department identified that Council staff were not always adequately recording their key decisions or following the procedures. For example, some files lacked evidence to show that public safety had been adequately considered.

Recommendations to the Council	Response from the Council
<ul style="list-style-type: none">Develop a specific technical processing checklist to capture its decisions in relation to public safety, include this in current procedures, and ensure it is consistently used.	The Council advised that its processing checklists are currently being reviewed. It will ensure its checklists appropriately capture its decisions in relation to public safety. It will include this in current procedures and work to ensure it is consistently used.
<ul style="list-style-type: none">Audit its certificates for public use processes and peer review decisions made.	The auditing regime will be amended to ensure processes around certificates for public use are included. The Council will peer review decisions to issue certificates for public use.
<ul style="list-style-type: none">Clearly define how the Council will handle cases where people breach a condition of a certificate for public use, and ensure appropriate follow-up action is undertaken and recorded on the file.	The Council will review its procedures relating to certificates for public use to define how it will follow up on cases where people breach conditions of the certificates. The reviewed procedures will require that any subsequent follow-up actions will be recorded and filed appropriately.

Conclusion

While the Council's procedures for issuing certificates for public use are adequate, they should be extended to cover breaches. There needs to be a strong focus on ensuring the procedures are consistently implemented. The Council has agreed to do further work to implement the Department's recommendations as outlined above.

7 – NOTICES TO FIX

Purpose

To examine the Council's procedures for issuing and enforcing notices to fix.

Background

A notice to fix is a statutory notice requiring a person to remedy a breach of the Building Act or regulations made under the Building Act. It is similar to a notice to rectify under the former Building Act 1991, but can be issued for all breaches of the Building Act (not just for building work). Some important points about notices to fix are noted below.

- A Council must issue a notice to fix for any contravention of the Building Act or regulations. Common examples include failing to obtain a building consent, failing to obtain an appropriate building warrant of fitness, or failing to meet the necessary inspection, maintenance or reporting procedures for a compliance schedule issued by the Council.
- A notice to fix may instruct the owner to apply for a building consent, or for an amendment to an existing building consent.
- If a notice to fix relates to building work carried out without a building consent, it can require the owner to apply for a certificate of acceptance.
- If a territorial authority is not satisfied that the requirements of a notice to fix have been complied with (where building work is required), for example, after a follow-up inspection, it must provide written notice of its reasons and issue a further notice to fix to the specified person.

Findings

The Council has developed procedures for dealing with illegal building work and issuing notices to fix. The Council's quality manual also includes commentaries about illegal building work and notices to fix.

Illegal building work

The Council's procedure for illegal building work is comprehensive, but could be refined in the following two areas.

- Rather than advising the building owner of the need to obtain a building consent for illegal building work that has already been completed, the Council should inform the building owner to apply for a certificate of acceptance, which is intended to verify that illegal building work complies with the Building Code. This would align with the Council's quality manual.
- Rather than the Council's procedure to issue a site advice note advising the building owner of the need to apply for a certificate of acceptance, the use of a notice to fix is more appropriate. In addition, rather than requiring the building owner to apply for a building consent after the removal or demolition of the illegal building work has occurred, the Council should ensure a building consent is required prior to the building work being done.

Notice to fix enforcement (TA 1.9)

The Council's procedures for enforcing notices to fix are also comprehensive, but could be improved.

The current procedures require a notice to fix to be withdrawn if prosecution proceedings are withdrawn. However, a decision by the territorial authority not to prosecute an individual does not necessarily mean the contravention of the Building Act has been remedied. The withdrawal of a notice to fix may be inappropriate as the contravention may still exist. The Building (Infringement Offences, Fees and Forms) Regulations 2007 is another tool the Council could use to ensure compliance is achieved.

Other issues identified by the Department included the following.

- Some notices to fix lacked detail about the location of the building work, particulars of contravention, and the remedy the Council required to be undertaken to fix the breach.
- The Council could take greater steps to ensure its procedures are followed. For example, the Council was not always writing to building owners to confirm that a notice to fix had not been complied with before issuing a further notice to fix.

Recommendations to the Council	Response from the Council
<ul style="list-style-type: none">• Review procedures for responding to illegal building work and issuing and enforcing notices to fix to ensure greater consistency with the provisions of the Building Act.	The Council advises it will undertake a review of its procedures in response to this recommendation to ensure greater consistency with the Building Act.
<ul style="list-style-type: none">• Ensure all notices to fix issues are specific to the case at hand and contain information about:<ul style="list-style-type: none">– the location of the building work in question– the nature of the breach of the Building Act or regulation in question– the action that the Council requires the person to undertake to fix the breach.	The Council advises that its auditing regime will be amended to check that notices to fix it issues are robust, specific to the case at hand, and cover the information specified in the Department's recommendation.
<ul style="list-style-type: none">• Implement measures to ensure its procedures are consistently followed (eg, peer review or internal audits).	The auditing regime will be amended to check that Council procedures relating to notices to fix are consistently followed.

Conclusion

The Council needs to further develop its procedures for responding to illegal work and issuing notices to fix. It has agreed to do further work to implement the Department's recommendations as outlined above.

8 – ISSUING CERTIFICATES OF ACCEPTANCE

Purpose

To examine the Council's procedures for issuing certificates of acceptance and the steps it takes to decide whether it has reasonable grounds to believe building work complies with the Building Code.

Background

A certificate of acceptance can be used in situations where work has been done without a building consent, or where a building consent authority cannot issue a code compliance certificate. A certificate of acceptance provides verification for a building owner that part of, or all of, the completed building work carried out without a building consent complies with the Building Code.

An owner may apply for a certificate of acceptance when any of the following situations occur.

- An owner (or predecessor in title) carried out building work for which a building consent was required but was not obtained (under either the 1991 or 2004 Acts).
- A building consent authority that is not a territorial or regional authority is unable to, or refuses to, issue a code compliance certificate in respect of building work for which it granted a building consent.
- Where building work consented before 31 March 2005 affects public premises (this provision will not be available after 30 March 2010).

Where building work is carried out urgently, an owner must apply for a certificate of acceptance as soon practicable after completion of the building work (see section 42 of the Building Act).

Being issued with a certificate of acceptance does not relieve a person from the requirement to obtain a building consent for their building work. The territorial authority still has the ability to issue a notice to fix and to prosecute.

Findings

The Council has developed procedures for certificates of acceptance that include 38 separate steps for council staff to follow. The Council has also described procedures in their quality manual. This amount of procedural documentation is likely to be overly complex for staff and could be simplified and streamlined.

In spite of the detailed procedures, requirements around compliance schedules and notices to fix for building work without a building consent were missing and need to be included.

The Council's records were sometimes unclear on how it had assessed the building work in question for compliance against the Building Code before it decided to issue a certificate of acceptance.

Recommendations to the Council	Response from the Council
<ul style="list-style-type: none"> Simplify and streamline procedures in relation to certificates of acceptance. 	<p>The Council will review, and seek advice from external experts on how to action, this recommendation.</p>
<ul style="list-style-type: none"> Include in its procedures for certificates of acceptance the requirement for issuing a notice to fix, where appropriate, when non-compliance with the Building Act has been identified. 	<p>The Council advises that as part of its review of its procedures around issuing certificates of acceptance, it will include this requirement, as recommended by the Department.</p>
<ul style="list-style-type: none"> Amend procedures to ensure all decisions to issue a certificate of acceptance are based on whether the building work complies with the Building Code and that the justification for issuing each certificate of acceptance is clearly documented (a processing checklist could be used to help ensure this). 	<p>The Council will amend its procedures and include a processing checklist to ensure such decision-making and recording of the justification for decisions occurs as recommended by the Department.</p>
<ul style="list-style-type: none"> Ensure certificate of acceptance procedures are consistently followed. 	<p>The auditing regime will be amended to check that Council procedures relating to certificates of acceptance are consistently followed.</p>

Conclusion

Further work is required to simplify and strengthen the Council’s procedures for assessing building work and making decisions on whether to issue certificates of acceptance. Additionally, the procedures also need to be more consistently implemented, with an emphasis on ensuring the reasons to justify issuing each certificate of acceptance are clearly documented. The Council has agreed to do further work to implement the Department’s recommendations as outlined above.

9 – CONSIDERATIONS ON ADDITIONS, ALTERATIONS AND CHANGE OF USE

Purpose

To assess the procedures the Council uses if a building consent application has been made that includes an alteration to an existing building or proposes a change of use for a building.

Background

Section 112(2) of the Building Act permits a territorial authority to allow the alteration of an existing building without complying with the provisions of the Building Code (as specified by the territorial authority) if it is satisfied that:

- (a) If the building were required to comply, then the alteration would not take place; and
- (b) The alteration will result in improvements to:
 - means of escape from fire
 - access and facilities for people with disabilities; and
- (c) The improvements referred to in (b) outweigh any detriment that is likely to arise as a result of the building not complying with the relevant provisions of the Building Code.

The Building Act and the Building (Specified Systems, Change the Use, and Earthquake-Prone Buildings) Regulations 2005 set specific objectives that need to be considered for certain building projects. Under sections 114 and 115, a 'change of use' means to change the use of all or part of a building from one use (the old use) to another (the new use), with the result that the compliance requirements of the new use are additional to, or more onerous than, the requirements for compliance in relation to the old use.

Findings

Alterations to existing buildings:

The Council's procedures relating to proposed alterations to existing buildings require consideration of whether the building will comply with section 112(1) of the Building Act. However, no records of the decisions in relation to section 112 were included in the documentation provided to the Department.

Notably, the Council's procedures do not describe how it determines the degree to which a building needs to comply with the requirements of section 112(2). New procedural steps need to be developed that show how the Council considers these requirements and how it ensures they are complied with.

Change of use

The Council's procedures cover section 115 of the Building Act and the Department considers they are appropriate. However, the Department found evidence to suggest that the procedures and the Building Act's change-of-use provisions were not always consistently being followed. Changes of use during construction are a critical area that needs to be closely monitored by the Council.

Recommendations to the Council	Response from the Council
<ul style="list-style-type: none"> Enhance procedures to cover the provisions in the Building Act around making alterations to existing buildings. 	<p>The Council will review its procedures and seek advice from an external expert on ways to enhance its procedures and action this recommendation.</p>
<ul style="list-style-type: none"> Ensure procedures around alterations to existing buildings and their change of use are fully implemented and consistently followed by Council staff. 	<p>The auditing regime will be amended to check that Council procedures relating to alterations to existing buildings and their change of use are fully implemented and consistently followed by staff.</p>

Conclusion

The Council has agreed to do further work to implement the Department’s recommendations and ensure it adequately applies the Building Act’s provisions around alterations to existing buildings and their change of use.

10 – FUNCTIONS IN RELATION TO EARTHQUAKE-PRONE, DANGEROUS OR INSANITARY BUILDINGS

Purpose

To examine the Council’s procedures in relation to exercising their powers under section 124 of the Building Act.

Background

Section 124 of the Building Act provides powers to territorial authorities in respect of dangerous, earthquake-prone or insanitary buildings.

Findings

The Council has developed a procedure for assessing buildings that are deemed dangerous, earthquake-prone or insanitary. This procedure includes 33 separate steps for council staff to follow and is considered adequate. The Council is also developing an implementation plan for this policy.

Conclusion

The Council’s dangerous, insanitary and earthquake-prone building policy is appropriate. However, the Council has advised that it will also check to ensure all staff responsible for administering the policy fully understand it.

11 – EXEMPT BUILDING WORK

Purpose

To examine the Council’s procedure for determining if building work is exempt under clause (k) of Schedule 1 to the Building Act.

Background

Schedule 1 of the Building Act lists the types of building work for which a building consent is not required. Clause (k) covers situations where a territorial authority considers that a building consent is not necessary because the building work:

- (i) Is unlikely to be carried out otherwise than in accordance with the Building Code; or
- (ii) If carried out otherwise than in accordance with the Building Code, is unlikely to endanger people or any building, whether on the same land or on other property.

Findings

The Council has developed a procedure for assessing building work exempt under Schedule 1 which includes eight separate steps for council staff to follow. Schedule 1 can also be used by the wider public to determine whether or not a building consent is required.

However, the Council should expand its procedure for Schedule 1 clause (k), as this clause requires the Council to make a formal decision to exempt some building work from the requirement to obtain a building consent. The procedure should identify the key assessment criteria for making decisions about exemptions under clause (k), better explain how decisions will be made, and outline steps to ensure the key reasons for decisions are recorded.

In addition, the Department found that not all staff were aware of the exempt building work procedure.

Recommendations to the Council	Response from the Council
<ul style="list-style-type: none">• Expand the procedure to ensure the basis for decisions about exemption under Schedule 1, clause (k) are clearly documented.	The Council advises it will review its procedure to ensure that the basis for such decisions are documented. Its auditing regime will also be amended to check that this is happening.
<ul style="list-style-type: none">• Ensure all staff are aware of the procedure, receive training/guidance on how to apply it, and consistently follow it.	The Council will ensure that its building control staff are made aware of the procedure in question and are trained or provided with guidance on how to apply it. The auditing regime will also be amended to check that the procedure is being followed.

Conclusion

The Council’s use of Schedule 1, especially clause (k), needs to be clearly described in its procedures and understood by staff. The Council recognises that it needs to do further work to implement the Department’s recommendations.

12 – CAPACITY AND TECHNICAL CAPABILITY/COMPETENCE OF THE COUNCIL’S BUILDING CONTROL UNIT

Purpose

To assess the strength and depth of the Council’s building control human resources, and how effectively they are being used. This part of the review also examines the technical knowledge and ability of building control staff and the provisions that have been made for staff training and upskilling.

Background

Building control is becoming more technically and scientifically 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 and expertise of building control staff must increase with that trend.

Increased building activity over the last few years has significantly increased the workload of building control staff. The Council can address this by increasing staff/contractor numbers and by using existing staff more effectively. Opportunities to increase staff levels are limited in the short term due to workforce shortages of appropriately qualified and experienced building officials. All councils must, therefore, consider ways to use their existing staff more effectively or look at longer-term strategies such as cadet schemes.

Findings

Capacity

The Council has 16 fulltime technical staff, 15 field and building officers (for inspections and processing). The Building Control Manager oversees this team. The Council also has an Environmental Services support team that consists of one manager and 12 support team staff. The administration staff are shared across the Environmental Services teams.

The Council currently has two vacant technical positions for a building control officer and a team leader which have been advertised locally and in industry-specific forums. While no formal recruitment or retention plan exists, the Council has established a calculation method that uses data from the number and type of building consents received and foreseen, and the number of building inspections to determine the appropriate number of fulltime equivalent staff. It can also be used to identify workloads by service centres and areas. The quality manual sets out a procedure for engaging contractors where this calculation method indicates external capacity is needed.

A dedicated member of staff is now responsible for managing the territorial authority functions in relation to building warrants of fitness and associated enforcement. However, as this appointment is recent and the workload is substantial, the Council should provide extra resource and capacity in this area. The review also highlighted the need for additional staff in the building warrant of fitness area to ensure the Council procedures for processing building warrants of fitness are applied consistently.

The Building Control Manager was the named and delegated individual responsible for undertaking a large proportion of the Council’s building control procedures. Due to the high workload, the Building Control Manager is substantially overloaded with procedural requirements that could be done by either administrative staff or other technical staff. For example, the Building Control Manager was required to assess project information memoranda applications to ensure that technical notifications were included such as the need for an evacuation scheme or requirements for access and facilities for people with disabilities. Many of these tasks could be allocated to specifically trained individuals, freeing up the Building Control Manager to concentrate on managing the more technical issues that arise.

Capability

The review has shown that there are areas of the Building Act and regulations that are not fully understood or consistently applied by the Council’s building control staff.

Technical capability/competence was limited in a number of areas, as has been shown with the identification of specified systems on compliance schedules. Improvements should be made to overall staff understanding of legislative requirements, such as for waivers or modifications of the Building Code. The review revealed that technical decisions made by the Council on compliance matters were, in some cases, technically incorrect or inadequately documented. A number of instances of non-compliance with the Building Code were identified relating to access and facilities for people with disabilities, early warning in the event of a fire, and compliance with the Fire Safety clauses of the Building Code.

The Council has recently engaged external contractors to assist in managing varying workloads and to provide technical expertise where internal capability is limited. These contractors were, in some cases, accredited building consent authorities.

Recommendations to the Council	Response from the Council
<p>The Council needs to develop strategies to improve its internal capacity and capability. Such strategies include:</p> <ul style="list-style-type: none"> • prioritising the filling of vacant positions – this could be achieved by advertising both nationally and internationally or developing cadetship programmes 	<p>Now that Council staff have had competency assessments, the Council understands more clearly where its technical and capacity gaps are.</p> <p>The Council’s method for dealing with these gaps in the first instance is to contract out work for which technical and/or capacity gaps exist, to suitably qualified contractors. Council staff will also receive, and progress within, personal training plans.</p> <p>With the downturn in building work, the Council’s preferred method of dealing with the issue of internal capacity and capability, in the short to medium term, is to contract out and continue to develop current staff. This approach is not applicable to the matters of staffing resources for compliance/enforcement and the absence of a team leader.</p>

Recommendations to the Council	Response from the Council
<ul style="list-style-type: none"> addressing competence gaps (including assessing fire compliance and accessibility compliance) by undertaking further training and mentoring 	<p>The Council has recently received competency assessments for its staff. It is also commissioning training plans for each staff member, which will include (but not be limited to):</p> <ul style="list-style-type: none"> mentoring assessment of audits assessment of 'spot checks' by independent experts (eg, experts accompanying staff on inspections) assessment of peer reviews. <p>In the meantime, the Council is contracting out work for which there is no currently assessed in-house competence.</p>
<ul style="list-style-type: none"> improving staff skills by targeting the competency gaps using training programmes, mentoring, and providing feedback from quality assurance processes (eg, peer review, findings from internal audits) 	<p>Refer to the above response.</p>
<ul style="list-style-type: none"> ensuring its staff are effectively applying the knowledge gained from training – this can be achieved by undertaking internal audits, interviews and peer review 	<p>The Council advises that the auditing regime will be amended to check that Council staff are effectively applying the knowledge gained from training.</p>
<ul style="list-style-type: none"> continuing to use external expertise (eg, contractors) where this is not available internally. 	<p>The staff competency assessment process has enabled the Council to better understand where its technical and capacity gaps are. The Council's method for dealing with these gaps is to, in the first instance, contract out work for which technical and/or capacity gaps exist, to suitably qualified contractors.</p>

NB: Internally delivered training should complement external training. For example, when the Council assesses building consent applications for fire compliance it could also obtain concurrent peer review of the application from a specialist. The Council can then compare results and feedback from the specialist and use this to train staff. It will also ensure compliance with the Building Code.

Conclusion

Staff resourcing needs to be more actively addressed and current vacant positions need to be filled as soon as possible. The Council also needs to provide further resources and support to its dedicated building warrant of fitness and enforcement officer. The Council needs to implement effective strategies to help manage gaps in technical knowledge so it can ensure compliance with the Building Code is consistently achieved. The Council should pursue practical solutions to address these limitations, including continuing to use external contract expertise and continued internal or external training and professional development for its staff.

13 – RELATIONSHIPS WITH OTHER TERRITORIAL 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 Department found that the Council had positive and interactive relationships with its neighbouring territorial authorities. This was highlighted by the fact that the Council had sent a number of its building control staff to neighbouring councils (such as Manukau City Council) to share building control knowledge. This is considered good practice and we encourage this process.

Conclusion

The Department considers that relationships with other territorial authorities are fundamental to achieving consistency and good practices across regions. The Department encourages the fostering of relationships so that sharing information and technical expertise becomes common practice.

14 – ACCESS TO AND STORAGE OF BUILDING CONSENT DOCUMENTATION

Purpose

To assess the Council's access to, and storage of, building consent documentation during the building consent issuing and inspection process.

Background

Section 216 and 217 of the Building Act set out the broad record-keeping requirements for territorial authorities in relation to their building control functions. These include making information available for the public to be informed of their obligations under the Building Act and to keep information about buildings for at least the life of the building. The public must also have access to this information.

Findings

The Council has a policy in place in their Building Control Quality Assurance manual for managing, storing and retrieving property files. Electronic data management is managed by 'Pathways', and the database is backed up each night. The Council and the public use Trapeze (a computer viewing programme) to view documents electronically. Historic files are held in hard copy. The Council currently has a back-scanning project under way.

Property files are retrievable using the property number or building consent number. Building consent files are held in a secure area. The public can come into the Council’s main office in Thames during working hours and request to view any building consent or property file. Information is also available within two working days upon request from the area offices at Coromandel, Whitianga and Whangamata.

Some building consent documentation provided to the Department for the review lacked important information relevant to determining compliance with the Building Act and associated regulations.

Recommendations to the Council	Response from the Council
<p>The Council must document what information is required to be kept on the property file and ensure this is communicated to all staff.</p>	<p>The Council will commission advice on what information is required to be kept on the property file.</p> <p>It is also going to review its procedures for ensuring this information is actually being kept on the property file.</p> <p>The Council’s auditing regime will be amended to check that its procedure on what information is required to be kept on the property file is consistently followed.</p>

Conclusion

The Council provides adequate access and storage of its building consent documentation, but must ensure all relevant building consent documentation is stored on the property file. The Council agrees that further work is required to fully implement the Department’s recommendations.

15 – FEEDBACK FROM THE COUNCIL

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

The Department provided this opportunity for the Council to submit feedback and this has been included throughout the report.

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 Thames Coromandel District Council, in accordance with its statutory requirements under the Building Act 2004.

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

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 publishing 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 and their building control responsibilities. This includes:

- Building Act 2004: Guide to exemptions from building consent requirements (October 2008)
- Building work that does not require a building consent: A guide to schedule 1 of the Building Act 2004 (November 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)
- 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)
- 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 The Department also participates regularly in workshops and conferences to provide updates and information to the sector.



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