



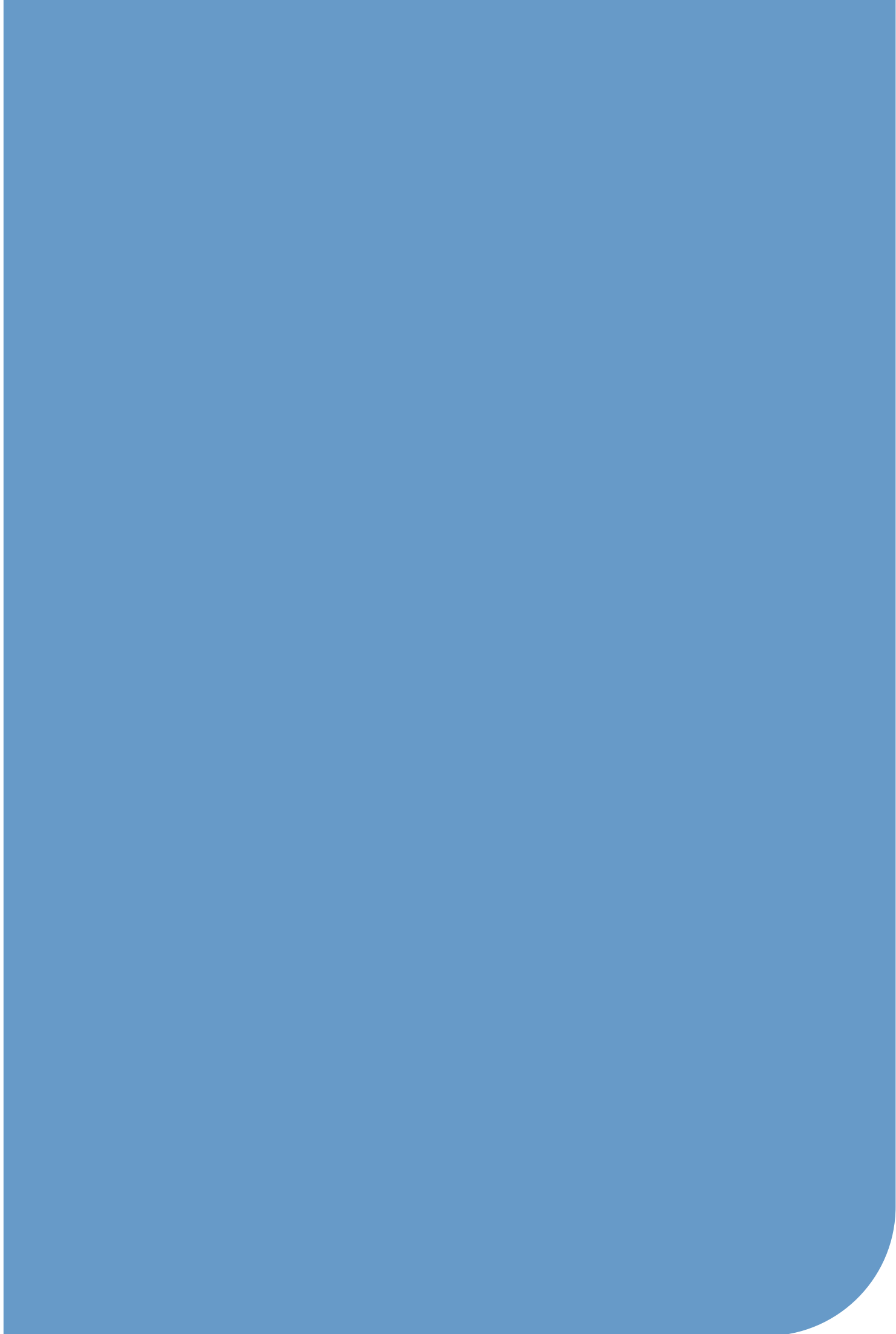
Department of
Building and Housing
Te Tari Kaupapa Whare

Technical Review

of the Building Control Operations of Waitakere City Council Summary Report

August 2007





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authorities of their functions under the Building Act 2004 (the Act), and previously, the Building Act 1991 (now repealed).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 support and 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, the Building Act 1991 (legislation applying during part of this technical review), and related regulations, including the New Zealand Building Code (the 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 compliance, and the role of the Department in this process.

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1 Summary of main findings

Over the course of the review, Waitakere City Council implemented a number of improvements to its building control practices and these efforts have been recognised and welcomed by the Department. However, the Department considers that further improvements are still required for the Council to strengthen its building control operations in a number of areas to ensure it is consistently able to meet its obligations under the Building Act 2004. Particular attention needs to be given to:

- developing, documenting and implementing certain policies, processes and procedures to underpin the Council's building control operations
- reducing instances of non-compliance with the Building Code
- ensuring it has sufficient staff numbers to meet workflow and the necessary collective technical skills, competencies and expertise within its building control unit
- incorporating quality assurance mechanisms across its functions (eg, peer review, internal audits of completed work).

Our main message is that the Council's work to date is a good start, but ongoing effort is required.

Building control policies, processes and procedures

A common theme identified across the review was that a number of areas in the Council's building control operations were not always underpinned by sound policies, processes and procedures. Formal policies and procedures identify and encourage best practice, help achieve consistency of practice and can also act as a training tool for less experienced staff or provide a refresher for experienced staff. The Council developed or implemented a range of process improvements during the review, but there is still a need to ensure they are implemented properly and consistently used by staff. The Department identified a need for the Council to make improvements in the following areas.

- Revising its delegations so they specifically reference the relevant provisions of the Building Act 2004
- Further strengthening its vetting of building consent applications (eg, updating its front counter checklists)
- Implementing its revised consent processing checklist
- Improving the content of the project information memoranda it produces
- Documenting when the use of consent conditions and notations is appropriate
- Improving handling of amendments to building consents and restrictions and limitations imposed on building consents issued
- Ensuring its new procedures covering alternative solutions and producer statements are consistently applied
- Including compliance schedule issues within its new computer Pathways system
- Strengthening its methodology and processes for conducting inspections

Determining compliance with the Building Code

Reducing instances of non-compliance is a critical issue for both the Council's consent processing and inspection staff, and lies at the heart of its regulatory responsibility. The Council needs to continually strive for performance improvement in these areas.

The Council should ensure it has a sound system for vetting and processing building consent applications. The Department found that the Council was not consistently rejecting building consent applications that contained inadequate supporting information to ensure compliance with the Building Code would be achieved.

Compliance with the Building Code was not being consistently achieved, particularly in relation to accessibility issues, weathertightness and fire compliance. Before issuing a building consent or code compliance certificate, the Council must be satisfied, and document why it is satisfied, that the building will or does meet all relevant clauses of the Building Code.

At the time of the review, the Council faced continuing challenges to ensure it issued building consents within the statutory timeframe and this was adding pressure to the Council's workloads. Following the review, the Council advised it has improved in this area and now achieving around 77 percent compliance with statutory processing timeframes. While this is a significant improvement to the rates observed during the review, there is still considerable work to be undertaken to maintain any improvements and increase this rate further to meet the requirements of the Building Act 2004.

Resourcing and technical competency

The review found that the Council was significantly under-resourced and still needed to recruit to meet the volume and nature of work it was facing. The review found an equally important priority was the need to develop and implement a more rigorous competency assessment and work allocation system. This needs to link to related components of its operations and should include:

- assessing the competency of building control staff (and applicable contractors) based on objective evidence
- developing a collective competency skills matrix for the building control unit based upon individual competency assessments that can be used to identify key skill gaps (and capacity shortages in areas the Council has competent staff) and how to remedy this
- using such competency assessments to ensure building control work is always allocated according to competence
- determining individual professional development/training plans
- identifying appropriate technical leaders and mentors.

Quality assurance processes

The Council needs to strengthen the quality assurance system it applies to its building consent processing, inspection practices and certification functions. For example, the Council needs to ensure regular peer reviews, conduct appropriate internal audits of completed work (eg, checking building consent applications accepted into the system and whether they were processed properly), and provide additional training and guidance.

2 Overview

Purpose

The purpose of this document is to provide a summary of the results of a technical review of the building control operations of Waitakere City Council (the Council) carried out between March 2004 and December 2006.

This document outlines:

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

The Council

Waitakere City Council services an area of approximately 367 square kilometres and has an estimated population of 194,700 (as at June 2006). There are 73 building control and support staff to carry out regulatory building control functions. The Department recognises that the Council, as with many other territorial authorities, has a challenging task in a busy environment.

Review process

Technical reviews involve a three-phase process designed to assist territorial authorities and building consent authorities to improve their regulatory building control operations. They are carried out by the Department's Consent Authority Capability and Performance Group, according to terms of reference that cover a range of capacity and capability issues. Sections 3 to 5 of the report outline the methodology supporting the technical reviews.

Key findings

The Department identified a number of areas for improvement at Waitakere City Council and made a range of recommendations across the terms of reference.

Initial review

The first phase of the review was undertaken by the former Building Industry Authority in March 2004. The review identified that the Council:

- did not always meet the statutory timeframes for the processing of building consents
- did not achieve a consistent level of compliance with the Building Code for its consent processing, inspection and approval work
- needed to strengthen internal capacity and capability in its building control unit by recruiting additional staff, providing appropriate training and addressing technical limitations
- should develop and implement new and improved policies and procedures for a number of its building control activities.

The initial review noted that some of these issues had been identified in the former Building Industry Authority's previous technical review of the Council's building control operations in 2002.

Follow-up review

The Department returned to the Council in December 2006 to carry out a follow-up review. It found that the Council had responded in part to the initial review recommendations, but the same four areas identified in the initial review (noted previous page) still required further work. Key areas that needed strengthening are outlined in section 1 of this report: Summary of Main Findings.

Post review update on Council's progress – 2007 work

Subsequent to the follow-up review visit, the Council advised that it had made progress to implement the Department's recommendations. The Council has:

- implemented a new computer system to manage work flow
- improved the timeliness in processing building consent applications
- strengthened its building consent vetting processes and developed a policy to reject substandard documentation
- undertaken further training (eg, front counter vetting staff, computer training)
- updated its consumer information
- commenced a review of how it produces project information memoranda
- revised its building consent processing checklists
- introduced better procedures to underpin how it considers proposed alternative solutions and producer statements
- developed policies as required by the Building Act
- recruited additional capacity (additional field inspection staff and technical support staff) and used an external provider to help with peaks in work flow.

The Council also advised that a number of key initiatives are being developed. These include a:

- competency assessment framework
- training and development programme
- number of quality assurance procedures.

The Department welcomes such initiatives and will monitor the Council's progress with interest.

3 Roles of the Department of Building and Housing and the Council

The Department's role

In November 2004, the Department assumed the roles and functions of the former Building Industry Authority. The Department became responsible for conducting technical reviews of territorial authorities and building consent authorities.

The Department has a range of statutory responsibilities for building and housing, and administers New Zealand's building legislation. Its 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 completing the technical review process for Waitakere City Council. 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 and improve performance at the important building consent and inspection stages of the building process
- managing the accreditation body that will assess prospective and accredited building consent authorities
- strengthening relationships with territorial authorities, building consent authorities, and other key industry stakeholders
- investigating and resolving complaints about performance issues in building consent authorities
- 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:

- enforcing the Building Act, Building Regulations and Building Code
- 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
- 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, keeping accessible records, 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.¹

¹ The points summarised for territorial authorities and building consent authorities are similar to the functions described in section 24 of the former Building Act 1991, which has been repealed.

4 Purpose of the technical review

Technical reviews are performance reviews undertaken to monitor building consent authorities and territorial authorities and help them 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 technical review was initiated under the Building Act 1991.² Although the Building Act 2004 repealed the Building Act 1991, the functions of the Chief Executive of the Department of Building and Housing regarding technical reviews were carried over.³ This provides the mandate for the Department to complete technical reviews initiated by the former Building Industry Authority and to commence new reviews.

Accordingly, this report primarily references the Building Act 2004, with supporting footnotes outlining the appropriate sections of the 1991 Act. Further information on the comparable sections of the two Acts is provided in the Department's publication *Building Officials' Guide to the Building Act 2004*.⁴

² Section 12(1)(d) of the former Building Act 1991 provided that one of the functions of the former Building Industry Authority was to undertake reviews of the operations of territorial authorities and building certifiers in relation to their functions under the Act. Section 15(1) empowered the former Building Industry Authority to undertake a review of the operation of territorial authorities' functions under the Act. These sections were revoked on 31 March 2005 by the Building Act 2004.

³ Sections 11(h), 204 and 276 of the Building Act 2004 are the key sections.

⁴ Available in hard copy from the Department by calling 0800 242 243 or in electronic form via the Department's website: www.dbh.govt.nz

5 The review process

Review timeframe

Technical reviews are undertaken using a three-phase process, which usually takes approximately 12–18 months.

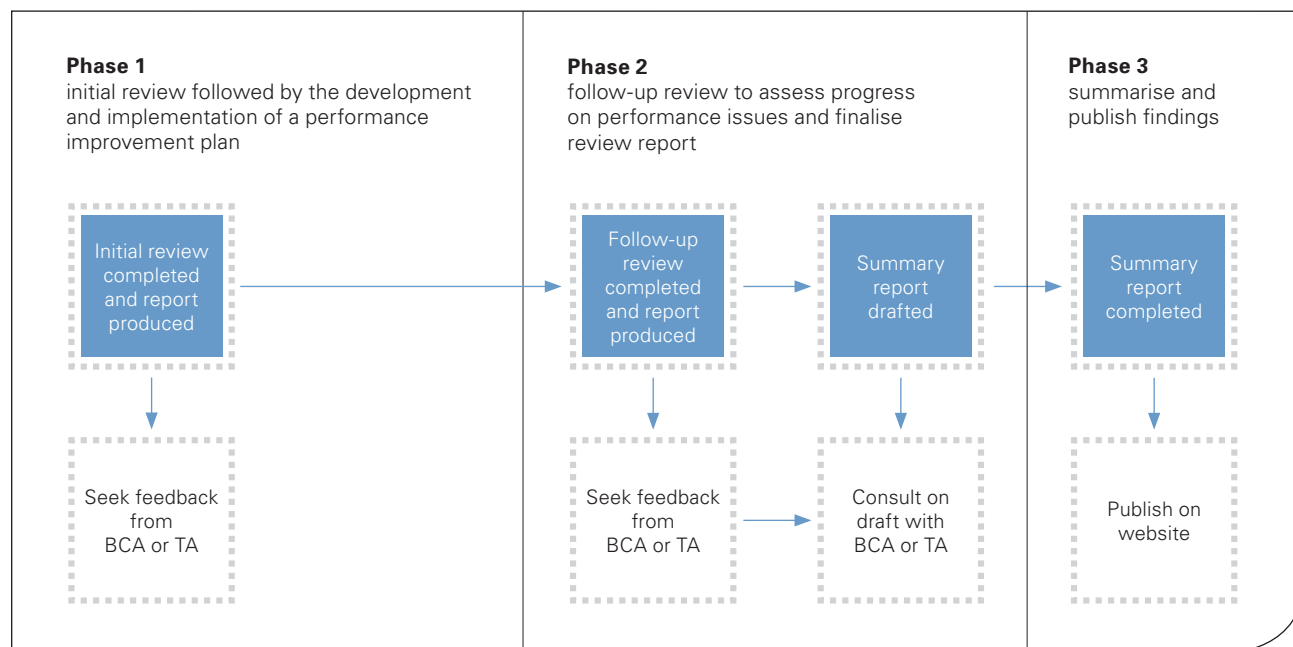
Phase one: The Department undertakes an on-site initial review of the building consent authority's or territorial authority's building control operations and produces a report with recommendations. The organisation then provides feedback to the Department on the report and addresses recommendations made by the Department.

Phase two: A follow-up review is undertaken 9–12 months after completion of phase one to assess how the building consent authority or territorial authority has addressed the recommendations made in 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.

Phase three: 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 indicated in phase three for Waitakere City Council.

Figure 1: Overview of the technical review process

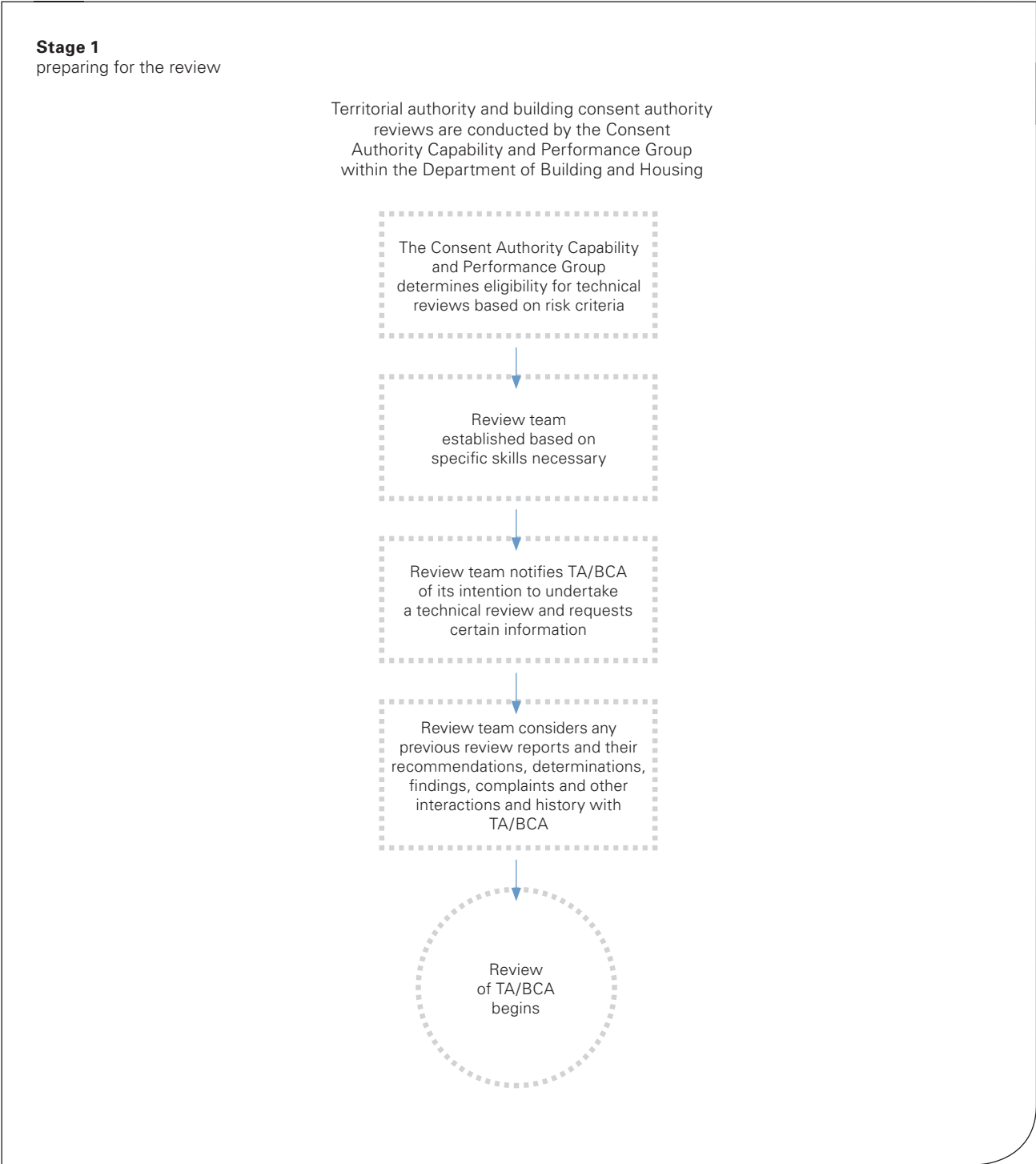


Investigative method

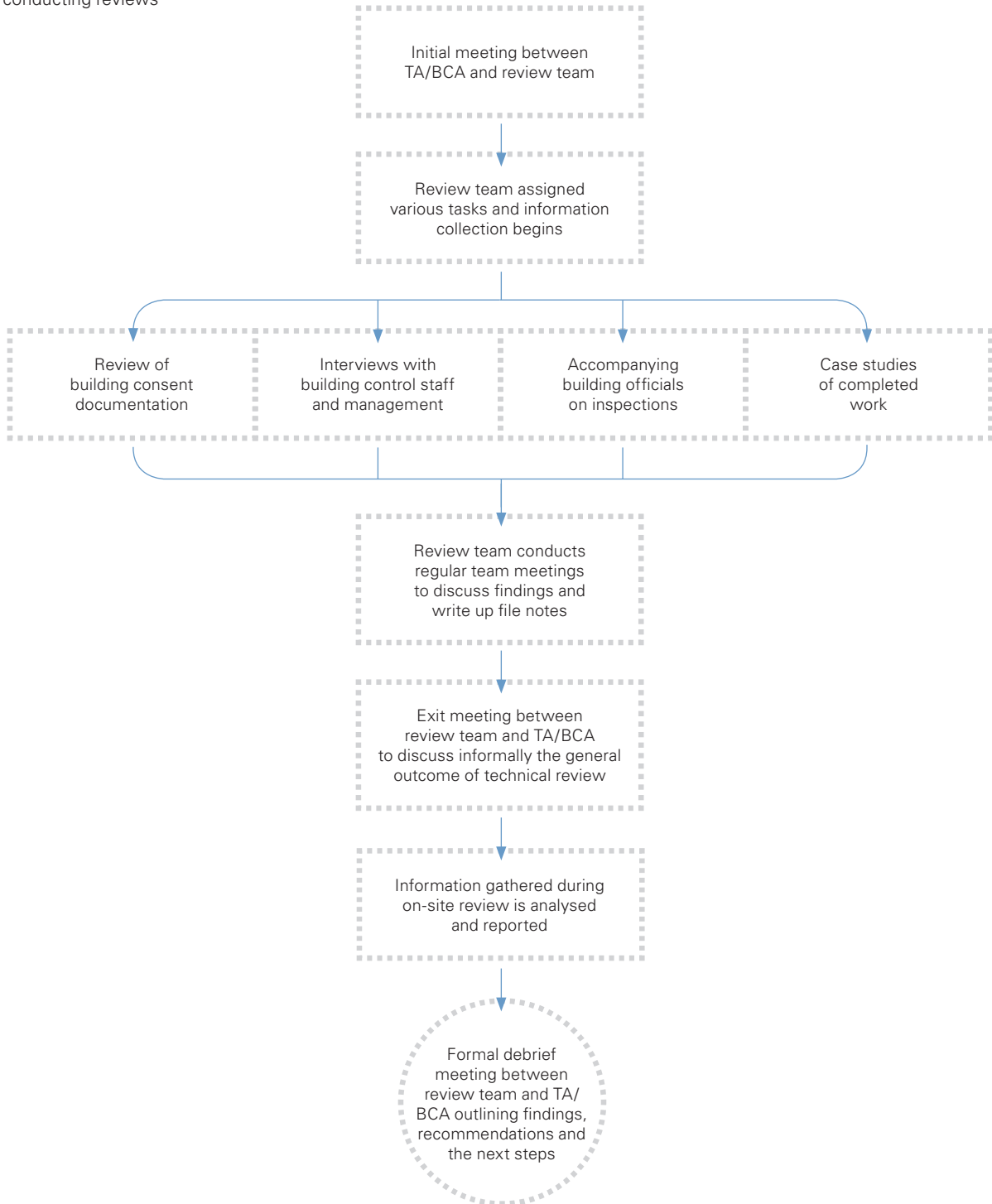
The Department assesses a territorial authority's or building consent authority's performance using a number of methods including:

- observing staff doing their work, both in the office and on site
- reviewing written material used and produced by staff (eg, policies, procedures, checklists, manuals and 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, certified by the territorial authority or building consent authority.

Figure 2: Preparing for and conducting technical reviews



Stage 2
conducting reviews



The March 2004 on-site visit to Waitakere City Council was undertaken over a 5-day period using a five-person team. In December 2006 the follow-up review on-site visit was undertaken over a 5-day period using a six-person team. This provided a snapshot of the Council's building control operation at these points in time. The Department looked at the processes undertaken in processing and approving building consents and undertaking inspections (including those that had recently been completed and had code compliance certificates issued). These case studies were selected randomly.



Terms of reference

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

Terms of reference	
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 4.1 Project information memoranda (PIMs) processing 4.3 Building consent processing 4.4 Use of notations and endorsements on building consent documents 4.5 Amendments to building consent applications and requests for additional information 4.6 Restrictions and limitations on building consents
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 and private building certifiers
16	Case studies of completed buildings
17	Accompanying personnel during inspection work
18	Feedback from the Council to the Department

6 Key findings of the review

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. This term of reference also considers how the Council delegates its legislative powers, duties and responsibilities.

Background

Section 232 of the Building Act 2004⁵ 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

At the time of the initial review (March 2004), the Council’s building control staff faced challenges working across different internal teams, with each team having differing reporting lines and strategic objectives. The Council also had a large number of vacancies for technical building control and administrative staff which it needed to fill. The Council’s delegations to officers did not cover all required aspects of the Building Act 1991 meaning building officials did not have delegations for their respective duties.

Recommendations to the Council	Action taken by the Council before the follow-up review
Consider ways of improving communication and coordination across the different teams involved in building control operations.	The Council strengthened communication and coordination between teams by forming an operations group with representatives from all the contributing teams.
Ensure delegations have been made for all sections of the Building Act, which require authorised officers to perform the respective functions, duties or powers.	The Council reviewed its delegations manual and staff were provided with delegations and authorities appropriate to their duties.

Follow-up review

The Council has improved communication and co-ordination between heads of departments, but the Department noted that the commitment and attendance at such meetings has reduced over time and meetings have become infrequent.

The Council has reviewed its delegations manual and all staff have been provided with delegations and authorities appropriate to their duties. However, such delegations have not been revised to reference relevant sections of the Building Act 2004, which came into force during the review.

⁵ Section 78 of the Building Act 1991 previously covered the delegation of powers of territorial authorities.

Recommendations to the Council	Response from the Council
<p>The Council should:</p> <ul style="list-style-type: none"> • consider means to continue to improve its interdepartmental communication and cooperation • revise its delegations so they specifically reference the relevant provisions of the Building Act 2004. 	<p>The Council advised that:</p> <ul style="list-style-type: none"> • it has improved communication between heads of departments at an operational level by implementing routine meetings between team leaders and functional groups • it has published its register <i>Delegations to Officers under section 232 of the Building Act 2004</i>. The register contains the levels of delegations throughout the Council’s building control operations.

Conclusion

The Council has implemented the recommendations made by the Department.

2 – CONSENT STATISTICS

Purpose

To review a series of building control statistics to provide an indication of the volume of work the Council has to manage.

Initial review

The Council provided statistical information for February 2003 to February 2004.

Table 1: Waitakere City Council consent statistics – 2004

Action	Total number
Building consents issued	3,773
Compliance schedules issued	919
Swimming pools listed on register	4,029
Total value of construction work consented	\$350,245,858

Follow-up review

The consent statistics for Waitakere City Council's building control operations for the 12-month period from January 2006 to January 2007 were as follows.

Table 2: Waitakere City Council consent statistics – 2006

Action	Total number
Building consents issued	2,619
Compliance schedules issued	996
Swimming pools recorded within Waitakere City Council's jurisdiction	3,966
Total value of construction work consented	\$292,938,471

Conclusion

The Council was faced with a significant volume of building control work at the time of the initial and follow-up reviews, although the statistics showed a drop of approximately 30 percent in building consent applications. The Council's capacity to process this volume of building work is discussed under other terms of reference in this report.

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 timeframes 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.⁶ 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

It was found that the Council was correctly recording the processing timeframes for building consents; however, the statutory timeframes were not always being met due to increased workloads. The Department made no recommendations during the initial review as it concluded that the Council would improve its compliance with statutory timeframes by implementing the other recommendations of the initial review report.

Follow-up review

The Department found that the Council was only achieving 30 percent compliance with the statutory timeframes contained in the Act. The Council was also not clearly date-stamping consent applications to indicate when they were lodged. The Council advised it was implementing a new computer system, which was impacting on the Council's ability to meet statutory timeframes for processing building consents.

Recommendations to the Council	Response from the Council
<p>The Council should prioritise increasing its compliance with its statutory timeframes for processing building consents. It should implement initiatives to include:</p> <ul style="list-style-type: none">strengthening its systems and procedures for vetting building consent applicationstraining front counter staff to recognise and reject incomplete applicationsproviding guidance to applicants on the Council's information requirements (eg, consistently using the new building consent application package)ensuring its staff are fully trained and proficient in the new computer system.	<p>The Council advised that:</p> <ul style="list-style-type: none">it has had a significant improvement in statutory performance following implementation of its new Pathways computer system to help manage work flow and performanceit has implemented a more vigorous approach to vetting of applications, including a review of checklists and providing technical assistance at the front counterfront counter staff have been involved in training programmes around application content. Training and development plans and requirements are being reviewedit has reviewed and updated all information available to the public with changes implemented through website access and package brochure informationtraining on Pathways is viewed as a priority.

Conclusion

The Council has made progress to implement the recommendations made during the review. Ongoing work will be required to fulfil some of the recommendations and to ensure the Council can consistently meet its legislative obligations for the timeframes for processing building consents.

⁶ This review was initiated under the Building Act 1991. Sections 33 and 34 of the Building Act 1991 previously covered applications for, and processing of, building consents. The prescribed timeframe was previously contained in Clause 6 of the Building Regulations 1992. Building consents under the value of \$500,000 were required to be granted or refused within 10 working days. Building consents over the value of \$500,000 had to be granted or refused within 20 working days.

4 – PROCEDURES FOR DETERMINING COMPLIANCE WITH THE BUILDING CODE

Purpose

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

- consent application vetting and lodgement processes
- project information memoranda (PIMs) processing
- building consent processing
- use of notations and endorsements on building consent documents
- amendments to building consent applications and requests for additional information
- restrictions and limitations on building consents.

4.1 Consent application vetting and lodgement processes

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 improve compliance outcomes. Modern buildings are now considerably more technically complex and 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

It was found that approximately 30 to 40 percent of all building consent applications received each month were suspended during processing because additional information was required. By rejecting building consent applications with insufficient information, front counter staff were risking not achieving their customer satisfaction targets.

Recommendations to the Council	Action taken by the Council before the follow-up review
Redesign processes for receiving and vetting building consent applications to ensure building consent applications with substandard documentation are not accepted.	The Council developed a building consent application pack containing information on the Council's building consent process.
Develop a policy that clearly specifies the Council's minimum information requirements for accepting building consent applications.	The Council did not implement this recommendation.

Follow-up review

The Department found that the Council has made some progress to implement the recommendations of the initial review. The Council has developed a building consent application pack containing information on the Council's building consent process. Building consent application checklists have also been upgraded to reflect the requirements of the Building Act 2004.

The Department did not find a policy outlining the minimum level of documentation and information that will be accepted by the Council. The Council proposed conducting stakeholder meetings with design professionals to provide feedback on the level of documentation required.

The Council advised the Department that 60 to 70 percent of the building consent applications received were being suspended. This was creating significant additional work. While suspensions indicated that a better level of process checking was occurring, the high percentage of suspensions indicated that too many applications with inadequate information were being accepted at lodgement stage. A more robust vetting system was considered a priority by the Department.

Recommendations to the Council	Response from the Council
Enhance its building consent vetting and lodgement system 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 advised that it is enforcing closer adherence to checklists at the front counter. In addition, a policy for rejection of incomplete applications has been implemented.
Ensure its minimum information requirements are clearly defined for staff and communicated to the public (including assessing whether its current application pack and checklist does this sufficiently).	The Council acknowledged that the current checklist and application pack does not provide sufficient information to both internal staff and applicants. A review of front counter check lists has been commissioned and will be presented in a format suitable for internal and public communication.
Implement mechanisms to ensure all staff fully understand and comply with consent processing and lodgement procedures (eg, peer review and internal audits of completed work).	The Council advised that training has been undertaken to ensure staff are conversant with processing and lodgement procedures. They also noted that peer review is undertaken by staff who provide technical assistance at the front counter. Internal audit methodology is yet to be developed and applied.

Conclusion

The Council has made progress across most of the Department's recommendations. We encourage the Council to further strengthen its vetting and lodgement processes (especially the information provision and auditing aspects of our recommendations) to help ensure substandard building consent applications are not accepted and applicants are provided with suitable guidance on the Council's information requirements.

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 2004⁷ cover applications for 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 the building on that site.

Initial review

The initial review identified that the level of PIM information provided by the Council varied considerably. It was found that the PIMs contained:

- limited information about infrastructure and utility systems
- inconsistent levels of information relevant to the building design, such as the wind zone or corrosion zone classification
- unclear information in relation to health, dangerous goods and drainage engineering (the PIMs had yes/no answers, but these were generally ignored).

Recommendations to the Council	Action taken by the Council before the follow-up review
Review guidelines and processes used to develop PIM information to ensure it consistently includes all the information required by the Building Act and any additional information the Council considers warranted.	The Council reviewed its PIM processes as part of its implementation of its new Pathways computer system.

Follow-up review

While the Council undertook some review work of its PIM processes, the Department found that guidelines and processes have not been reviewed to ensure all the information required by the Building Act 2004 was being included in its PIMs.

The Council was also failing to notify applicants of the need to satisfy provisions set by other statutory authorities such as the Ministry of the Environment requirement (smoke emissions from solid fuel heaters) and section 21A of the Fire Services Act 1975 (evacuation of buildings). Case studies of completed buildings undertaken by the Department further revealed that some information was being included in the Council's PIMs that was not necessary or which was ambiguous.

⁷ This review was initiated under the Building Act 1991. Sections 30-31 of the Building Act 1991 previously covered applications for and processing of PIMs.

Recommendations to the Council	Response from the Council
Ensure PIMs include all the information required by the Building Act, including any features or characteristics likely to be relevant to the design and construction of the building on that site.	The Council advised that a review of PIM processing is being considered as part of its preparatory work for applying to become a building consent authority.
Ensure information contained in PIMs is relevant and clear.	

Conclusion

The Council has begun to implement the Department’s recommendations but this work has yet to be completed.

4.3 Building consent processing

Purpose

To ensure the Council has a sound methodology for processing applications for building consents.

Background

Once territorial authorities or building consent authorities have accepted building consent applications, it is important to have a systematic process in place to assess applications in a thorough, consistent and timely manner and clearly document the technical basis for issuing the building consents and the subsequent compliance certification.

Initial review

The Council had no formal process or procedure for the processing of building consents. Processing officers were found to be assessing building consent applications for compliance with the Building Code according to their own methodology. This caused inconsistency in compliance with the Building Code.

Recommendations to the Council	Action taken by the Council before the follow-up review
Develop and implement a uniform process for processing consent applications to ensure each application receives a rigorous and consistent review.	The Council has developed a building consent processing checklist.

Follow-up review

The Department found that the Council's new checklist could be strengthened by:

- having separate checklists for different building types
- ensuring checklists cover compliance with each clause of the Building Code
- including legislative requirements of the Building Act.

Evidence from case studies also revealed that checklists were not being consistently used and more importantly that consent applications were not being allocated in accordance with staff competence.

Recommendations to the Council	Response from the Council
Enhance consent processing checklists.	The Council advised that it has reviewed its checklist, including developing separate checklists for different building types. A training programme will be implemented to introduce these.
Ensure staff (and applicable contractors) consistently use the checklist and processing methodology (eg, using peer review systems and internal audits of samples of completed work).	The Council advised that it is a requirement that all staff and applicable contractors use the checklist. A process of peer review and internal audits is to be implemented.
Ensure building consent applications are allocated to staff with the requisite technical competence to process them comprehensively.	The Council advised that distribution of building consent applications is made according to predetermined staff competence levels. A formal system of competency parameters is being introduced to the Council.

Conclusion

The Council has partially implemented the recommendations made during this review. The Department supports the work to implement the procedural changes made (eg, new checklists) and the proposed training being undertaken. We note that this is one area where the outstanding work to introduce better-quality assurance mechanisms needs to be completed, particularly consistent peer review and internal auditing to check completed work.

4.4 Use of notations and endorsements on building consent documents

Purpose

To examine the Council's use of building consent conditions and plan notations during its processing of building consents.

Background

Consent conditions or notations can be used as educational tools and to highlight aspects of construction that require particular attention, although some building consent authorities apply conditions or notations to cover deficiencies in consent documentation. While this can sometimes avoid the need to request additional information and help to expedite consent processing, it can also mean that territorial authorities or building consent authorities encroach on the designer's role by specifying how Building Code compliance will be achieved (eg, by nominating a specific Standard or method). While the solution its staff may nominate may comply with a particular Acceptable Solution (prescriptive means of achieving Building Code compliance),

it is usually only one of a number of ways of achieving compliance. Nominating design solutions may also have cost implications for the consent applicant and should therefore be left to the designer and building consent applicant to determine.

Initial review

The Council was over-reliant on applying conditions or notations to cover deficiencies in consent documentation or to make up for the lack of details that should have been provided by the applicant.

Recommendations to the Council	Action taken by the Council before the follow-up review
Develop a policy to clarify when the use of consent conditions and notations is appropriate.	The Council did not implement the recommendation.

Follow-up review

The Council has not developed a policy clarifying when the use of consent conditions and notations is appropriate. The Council developed a conditions and notations form to include with other consent documentation; however, evidence from case studies revealed that many conditions and notations were still being applied to cover documentation deficiencies.

Recommendations to the Council	Response from the Council
Implement a policy to clarify when the use of consent conditions and notations is appropriate and ensure staff consistently follow the policy.	The Council advised that a relevant policy will be documented and implemented. Staff will be monitored against this.

Conclusion

The Council partially implemented the Department’s review recommendation, but has not developed a policy as recommended, although such work is planned.

4.5 Amendments to building consent applications and requests for additional information

Purpose

To consider how amended building consents are processed and how the Council makes requests for further information on consent applications.

Background

Applications to amend a building consent must be made in the same manner as the original application as required under section 45(5)⁸ of the Building Act 2004. Councils can also require further reasonable information in respect of a building consent application. If the Council lawfully does this, the application is suspended until the Council receives the information required under section 48(2)⁹ of the Act.

⁸ Previously covered under section 33(4) of the Building Act 1991.

⁹ Previously covered under section 34(2) of the Building Act 1991.

Initial review

Instances were identified where building work was proceeding when requested consent information had not been submitted, or when the consent information received was inadequate. Superseded building consent information was also not being consistently stamped and this was leading to confusion during the inspection process. The Department considered that requests for further information and applications to amend building consents needed to be recorded, tracked and followed through more effectively.

Recommendations to the Council	Action taken by the Council before the follow-up review
Ensure staff differentiate between changes made to an application before consent is issued and when amendments to building consents were made.	The Council introduced a new system to identify different types of amendments.
Review how it treats requests for additional information.	The Council did not implement the recommendation.
Ensure that all superseded documents are stamped as such.	The Council did not implement the recommendation.
Ensure inspectors check amendments are actually implemented when building work progresses.	The Council implemented an improved system for tracking and recording amendments.

Follow-up review

The Council has developed two different coloured forms to identify different types of amendments. The Council produced evidence to confirm that plans were being date stamped on acceptance and old plans were being stamped as superseded. Evidence from case studies found examples where superseded plans were not stamped as such and dates were not apparent.

The Department found the Council was recording minor amendments identified on site on the site copy of the consent documents, with alterations being signed and dated by the inspector. The inspection record sheet was also being updated to record these amendments. If the amendment was significant, a notice to fix was issued and this was recorded on the job history sheet.

The Department found that while the Council has some informal processes in place for amendments to building consent applications and requests for additional information, it would benefit from a more formalised approach. Formalising the process will assist the Council to ensure good decisions are consistently made.

Recommendations to the Council	Response from the Council
Develop a formal policy and procedures which differentiate between minor and major amendments to building consents, and cover amendments to building consent documentation.	The Council advised that a relevant policy will be documented and implemented.

Conclusion

The Council has not implemented the recommendation, although such work is planned.

4.6 Restrictions and limitations on building consents

Purpose

To consider how the Council applies those parts of the Building Act that involve it placing restrictions or limitations on building consents.

Background

The Building Act 2004 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. Provisions include:

- section 36 – attaching a development contribution notice to a PIM
- section 37 – attaching a certificate to a PIM 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 PIM 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
- sections 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 that the territorial authority may consider appropriate
- section 68 – advising the Chief Executive of the Department of Building and Housing of 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 to, or is 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 building consent is issued 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
- sections 112 – alterations to existing buildings
- section 113 – buildings with specified intended life
- section 115 – change of use
- section 116 – extension of life and subdivision of building.

Initial review

While the Council had appropriate procedures in place for issuing section 35(1A) certificates (now section 37 of the Building Act 2004), the Department's evidence indicated that staff were not consistently recording the fulfilment of certificate conditions.

It was also noted that the Council had stability-sensitive and flood-prone areas within its region. Where such areas were identified, formal procedures were initiated. Legal advice was obtained to guide staff on the procedural requirements for formalising matters relating to section 36(2) (now section 71 of the Building Act 2004).

Section 38 (now section 112 of the Building Act 2004) assessments were made at the time of processing by the senior processing officers responsible for fire and accessibility and for larger commercial projects. The degree of upgrade to any building was assessed on a case-by-case basis. However, these appeared to be rarely recorded.

Recommendations to the Council	Action taken by the Council prior to the follow-up review
Develop procedures to ensure compliance with section 35(1A) (now section 37 of the Building Act 2004) and section 38 (now section 112 of the Building Act 2004) conditions are properly recorded and monitored.	The Council did not implement this recommendation.

Follow-up review

The Council has not implemented the recommendations of the initial review. The Department noted that the Building Act 2004 contains new requirements (introduced after the 2004 initial review) that the Council has to consider when placing restrictions and limitations on building consents.

It was noted that the Council is currently working through legal issues concerning the new requirements of the Building Act 2004 in relation to limitations and restrictions on building consents (sections 71–74 Construction of buildings on land subject to natural hazards).

Recommendations to the Council	Response from the Council
Develop procedures and processes which detail how it will deal with restrictions and limitations on building consents and effectively implement these.	The Council advised that it is waiting for legal advice before it can document and implement this work.

Conclusion

The Council has not implemented the Department’s recommendation first made in 2004. The Department considers that this needs to be completed as soon as possible. While it is waiting for legal advice on provisions covering the construction of buildings on land subject to natural hazards, procedures and processes can be developed for other provisions of the Building Act.

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,¹⁰ but that still satisfy the performance objectives of the Building Code.

Initial review

The Council did not have a formal policy or procedure for the assessment of alternative solutions. The initial review found that information on alternative solutions, and the reasons for their acceptance or rejection, was rarely being recorded.

Recommendations to the Council	Action taken by the Council before the follow-up review
<p>Develop a policy to define how it processes proposed alternative solutions including requirements to:</p> <ul style="list-style-type: none"> justify acceptance or rejection of a proposed alternative solution clearly document and maintain records of the use and acceptance of alternative solutions. 	<p>The Council did not implement this recommendation.</p>

Follow-up review

The Council has not developed a formal policy for the assessment of alternative solutions. However, the Council provided guidance to staff on how alternative solutions are to be dealt with. The Council informed the Department that staff were being required to document the basis for accepting alternative solutions. Case studies revealed that this requirement was not being consistently complied with.

Recommendations to the Council	Response from the Council
<p>Develop a policy to guide how technical staff process proposed alternative solutions. Staff should be required to:</p> <ul style="list-style-type: none"> justify their acceptance or rejection of proposed alternative solutions, demonstrating how Building Code compliance will be achieved clearly document and maintain records of their use and acceptance of alternative solutions consistently follow and apply the policy. 	<p>The Council advised that it has provided guidance to staff on alternative solution management. It has developed a formal policy on the acceptance and rejection of alternative solutions that includes documentation of acceptance. An audit of policy adherence will be undertaken.</p>

¹⁰ A prescriptive document produced by the Department of Building and Housing that specifies a means of compliance with a particular clause of the Building Code.

Conclusion

The Council has implemented the Department's recommendation to develop a policy. The focus now is to ensure its policy is consistently implemented by staff and contractors who assess and make decisions about proposed alternative solutions. A good way to do this is to use quality assurance mechanisms such as peer review, training and internal audits of completed work.

6 – PROCEDURES FOR ACCEPTING PRODUCER STATEMENTS

Purpose

To establish whether producer statements accepted by the Council are adequate to help achieve compliance, and that the Council producer statement acceptance regime is credible, non-contestable, and clearly understood and consistently practised by staff.

Background

Producer statements are written statements expressing the authors' views that plans, specifications or completed building work complies 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 or council to decide whether, and how much, 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 or council as part of the plans and specifications and decision-making process.

Initial review

The Council did not have a formal policy or procedures for dealing with producer statements.

Recommendations to the Council	Action taken by the Council prior to the follow-up review
<p>Develop a policy to cover its acceptance and checking of producer statements, including:</p> <ul style="list-style-type: none">• when it will require a producer statement• acceptance criteria for producer statement authors (eg, qualifications, competence, insurance, professional affiliations, quality assurance procedures, scope of practice for which they can write them)• the form and required content for producer statements• the charges for accepting a statement (which should include cost recovery for undertaking regular audits)• audit procedures.	<p>The Council did not implement this recommendation.</p>

Follow-up review

The Council informed the Department that it does not rely on producer statements and therefore has no intention of implementing a producer statement policy. The Council advised that, if a producer statement is provided at design phase, then calculations and supporting documentation are required and this information is checked by Council's structural engineers. However, the Council's inspection team acknowledged that they did accept and rely upon producer statements as a means of being satisfied that particular aspects comply with the Building Code (eg, installation of waterproof membranes and some aspects of specific design, such as structural engineering issues). Case studies identified that the Council was relying on producer statements as a means of confirming compliance.

Recommendations to the Council	Response from the Council
<p>Develop a formal policy to cover its acceptance and checking of producer statements. The policy should cover:</p> <ul style="list-style-type: none">• when it will require a producer statement• its acceptance criteria for producer statement authors (eg, their qualifications, competence, insurance, professional affiliations, quality assurance procedures, scope of practice)• the form and required content for producer statements• audit procedures.	<p>The Council advised that a formal policy to cover acceptance and checking of producer statements has been developed covering the criteria identified.</p> <p>A register of acceptable providers has also been developed that includes audit procedures and review dates.</p>

Conclusion

The Council has implemented the Department's recommendation to develop a policy. The focus now is to ensure its policy is consistently implemented by staff and contractors who assess producer statements and decide whether they should be relied upon, and to what level. Quality assurance mechanisms such as peer review, training and internal audits of completed work will assist with this.

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 response to emerging reports of building failure, the Government initiated several reviews that collectively found that there had been a 'systemic failure' of the building system. The term 'systemic failure' illustrates that no single cause led to the failure; rather it was the result of a complex interplay between a number of factors. Some of the key factors involved included:

- standards of design and construction that were set at the minimum level necessary to achieve compliance, providing no margin for error
- a lack of information and capability on the design and construction side
- inadequate review of consent applications and inspections of building work, which meant that specific problems were not being consistently identified and rectified
- capability and capacity issues within the regulatory building control sector identified the need for better monitoring of emerging trends within the building control system.

The Building Act 2004 introduced a more comprehensive regulatory regime for the building control sector. The Acceptable Solution (a prescriptive means of compliance) for meeting Clause E2 External Moisture (weathertightness) of the Building Code was also updated and a number of guidance documents have been published by the Department on weathertightness compliance requirements and construction methods.

Initial review

Improvements from previous reviews were identified regarding the way the Council's consent processing and inspections were being undertaken in relation to weathertightness. Greater consideration was being given to timber treatment and weathertightness design risk and it was also using the risk matrix to determine whether a cavity was required.

The Department found that processing staff did not have formal processes or procedures for checking weathertightness compliance. The Department also noted an inadequate standard of weathertightness compliance, which was attributed to lack of knowledge of good weathertightness detailing and workload pressure on the Council's staff.

Recommendations to the Council	Action taken by the Council before the follow-up review
Ensure adequate time and resources are allocated to processing and inspection of building weathertightness.	This recommendation was not fully implemented.
Ensure all processing and inspection staff are given appropriate levels of practical weathertightness training.	Two team leaders attended a 3-day weathertightness course and all technical staff attended weathertightness seminars.
Develop robust processes to demonstrate how compliance has been achieved.	The Council upgraded their processing checklist.
Ensure consent applications with inadequate weathertightness detail are rejected or suspended.	This recommendation was not fully implemented.
Develop strategies for targeting design professionals and other stakeholders to communicate Council expectations on the level of weathertightness detail for high-risk-category buildings.	The Council began arranging meetings with stakeholders to communicate expectations.

Follow-up review

It was found that the Council has made some progress in adopting the initial review's recommendations. Two of the Council's team leaders have attended a 3-day weathertightness course and all technical staff have attended weathertightness seminars. The Council has also developed a more comprehensive processing checklist which requires processing staff to record the basis for their approval of compliance. The Department considers that the checklists could be further enhanced to ensure compliance (as was noted under heading 4.4 of the review's Terms of reference on page 15).

Recommendations to the Council	Response from the Council
Implement the recommendation from the 2004 initial review to develop policy and procedures to underpin its assessment of weathertightness compliance.	The Council advised that policy and procedures have been developed and its implementation is to be reviewed.
Ensure adequate time and resources are allocated to processing and inspection of building weathertightness.	The Council advised that a weathertightness compliance and inspection process is being developed to ensure a systematic approach is taken to applications and inspections subject to weathertightness risk.
Ensure all processing and inspection staff are given ongoing levels of practical weathertightness training.	The Council noted that training opportunities have been identified and adopted.
Develop robust processes to demonstrate how compliance has been achieved.	The Council advised that these processes were developed as part of the policy and processes discussed earlier in the report. The Council is developing a weathertightness register which is yet to be formalised.
Ensure consent applications with inadequate weathertightness detail are rejected or suspended.	The Council advised that the checklist has been enhanced to include weathertightness risk identification and it is to develop specialised processing of weathertightness capability.

Conclusion

The Council has made progress in implementing the Department's recommendations. We note that a number of our recommendations are ongoing (eg, provision of weathertightness training and the need to strive for continual improvement and consistency in weathertightness compliance checking).

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 terms of reference.

Background

The Building Act contains a range of obligations and responsibilities relevant to the Council's building control operations. The requirements examined under this part of the review include:

- issuing building consents where an authorisation under the Resource Management Act (RMA) 1991 is required (section 37)¹¹
- building on land subject to natural hazards (sections 71–74)¹²
- alterations and changes of use to existing buildings (sections 112, 114 and 115)¹³
- dangerous and insanitary buildings (sections 121 and 123)¹⁴
- powers of territorial authorities in respect of dangerous, insanitary or earthquake-prone buildings (section 124).

Initial review

The Department found that:

- the Council was taking a proactive approach in monitoring dangerous and insanitary buildings
- the Council's area is located in earthquake zone C. While the Council was aware of its responsibility regarding section 66 of the Building Act 1991 (now section 121 of the Building Act 2004), it did not have any mechanisms for identifying buildings that may be earthquake-prone
- the Council was being proactive in enforcing breaches of the Building Act 1991 (now repealed).

Recommendations to the Council	Action taken by the Council before the follow-up review
Identify earthquake-prone structures and establish and adopt a policy according to the provisions of the Building Act.	A policy for earthquake-prone buildings had been developed and lodged with the Department. A consultant was to be employed to identify the highest risk buildings.

Follow-up review

The Department found that the Council has developed a policy for dangerous, insanitary and earthquake-prone buildings, as required by sections 131–132 of the Building Act 2004, but still needs to progress work to identify at-risk buildings in its jurisdiction.

Recommendations to the Council	Response from the Council
Ensure all building control staff are aware of what its dangerous, insanitary and earthquake-prone building policy entails and ensure processes are implemented to fulfil the policy requirements.	The Council advised that it is working to identify at-risk buildings in its jurisdiction. It noted that its policy for earthquake-prone buildings is to be communicated and audited.

¹¹ Previously covered under section 35(1A) of the Building Act 1991.

¹² Previously covered under section 36 of the Building Act 1991.

¹³ Previously covered under sections 38 and 46 of the Building Act 1991.

¹⁴ Previously covered under section 64 of the Building Act 1991.

Conclusion

The Council has made progress with implementing the recommendation, but had not completed work to identify the at-risk buildings as recommended in both the initial and follow-up review reports.

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

Buildings containing certain safety features and essential building systems, such as sprinklers and lifts, require a compliance schedule. The owner of the building must ensure continued effective operation of those features and systems, and demonstrate it by holding a current BWoF. The Building Act 2004 imposes responsibilities on building owners and the territorial authority when the use of a building is to be changed, when that change of use requires alterations to the building in order to bring the building into compliance with the Building Code (sections 108–111).¹⁵

Initial review

At this time, the Council had 919 BWoFs, of which 855 were current (93 percent compliance). A full-time compliance officer managed BWoF compliance.

The Council was proactive in promoting the owner’s responsibility for advising the Council when a change of the use to a building occurs. At the time it was noted that the Council was experiencing a high incidence of people breaching the change of use requirements of the Act.

Recommendations to the Council	Action taken by the Council before the follow-up review
Implement a system to identify all buildings that may require a compliance schedule or changes to an existing compliance schedule before a code compliance certificate is issued.	The Council began implementing a Pathways computer system to assist with this activity.
Reassess the compliance schedule and BWoF regimes from the perspective of workload on current staff.	The Council did not implement this recommendation.

Follow-up review

The Council advised that the new Pathways computer system being introduced will help identify buildings requiring a compliance schedule at the time of building consent application and will not allow a code compliance certificate to be issued until a compliance schedule is issued. However, because the system was still under development, the manual system of placing a red sheet in a building consent application that requires a compliance schedule was still in operation.

¹⁵ Previously covered under section 46 of the Building Act 1991.

Recommendations to the Council	Response from the Council
Ensure the Pathways system it is implementing identifies all buildings that may require a compliance schedule or changes to an existing compliance schedule before a code compliance certificate is issued.	While the compliance schedule system is still a manual one, changes are being undertaken to ensure compliance schedules are captured and monitored in the new Pathways computer system.
Ensure staff undertaking its BWoF functions are provided adequate training opportunities.	These recommendations are being addressed as part of the Council's comprehensive training and development framework.
Provide training in the use of the new system to BWoF staff.	

Conclusion

The Council is progressing the Department's recommendations.

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 a building and carry out normal activities and functions within a building. These provisions include sections 117–120 of the Act. There are a range of training courses available for staff to enhance their knowledge and skills in this area.

Initial review

The Department found a number of instances of accessibility non-compliance in the case studies examined and considered that the Council's building control staff required further accessibility training. There was also no adequate process support or documentation being used for processing and inspection staff to assist in checking accessibility compliance.

Recommendations to the Council	Action taken by the Council before the follow-up review
Develop appropriate process support and documentation to assist building control staff to assess building consents for accessibility compliance and to ensure completed work is also compliant.	An accessibility checklist was developed.
Provide staff with training opportunities to ensure accessibility requirements of the Building Act and Building Code are consistently applied by processing and inspection staff.	All staff completed a Barrier Free training course.

Follow-up review

While the Council has implemented the recommendations of the initial review report, accessibility compliance was still an issue that needed improving as the Department found examples of completed building projects that did not meet accessibility requirements. Examples included level entry access not being provided, car parking for people with disabilities not being provided, toilet facility doors that did not have grab rails and missing international symbol of access signage.

Recommendations to the Council	Response from the Council
Strengthen its system for checking accessibility compliance by considering mechanisms such as regular on-site peer review, undertaking internal audits of completed work and providing continued training.	The Council advised that compliance is ensured through the application of a competency framework. An internal audit function is to be developed and implemented and will include accessibility compliance. Training has been addressed as a component of a comprehensive training and development framework.

Conclusion

The Council has made progress in implementing the recommendations made over the review. However, this is an issue that needs ongoing work to ensure that accessibility compliance is consistently being achieved. Both review visits found evidence of non-compliant building work that had been approved.

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 are able to address this by increasing staff levels and by using existing staff more effectively. Opportunities to increase staff levels are limited in the short term because the national supply of appropriately qualified and experienced new staff is limited.

Initial review

The Department found evidence that some aspects of sound inspection and consent processing methods were not being considered due to gaps in the organisation’s collective technical competence and the high workload it was facing. The Council also had a number of vacant positions for technical building control and administrative staff and needed a proactive strategy to address this problem.

Recommendations to the Council	Action taken by the Council
Urgently recruit additional technical building control and administrative staff to fill existing vacancies and develop a long-term strategic plan for staff acquisition and retention.	The Council recruited four building inspectors, one plumbing and drainage inspector, three administration process support staff and two administration inspection support staff. A further full-time building control management position was included in the Council's 2005/06 budget. The Council has also included the acquisition of three more technical staff for building consent processing in its 2007/08 budget.
Develop a long-term proactive strategic plan for recruitment and retention.	The Council had several proposed strategies for staff retention and acquisition.

Follow-up review

The Council has recruited additional staff as noted above. The review also identified that the Council were considering the following potential strategies for staff retention and acquisition.

- Intending to retain, in a part-time capacity, four senior technical building control officers who are nearing retirement
- Negotiating a contract with an Auckland company to assist with peak overflow building consent processing
- Exploring recruitment opportunities in South Africa
- Considering developing a cadetship programme

Recommendations to the Council	Response from the Council
Prioritise advancing its proposed staff acquisition, recruitment drives and contract negotiations.	<p>The Council advised that a comprehensive and concerted recruitment campaign had been undertaken (including in the United Kingdom and South Africa) that will result in the appointment of additional human resource capacity.</p> <p>They are utilising the services of an out-sourced contract company to deal with overflow periods.</p> <p>They have developed a cadetship programme and have engaged a cadet. They have also employed an additional Field Surveyor (Building), and engaged a Technical Support Officer in the Central Processing Unit.</p>

Conclusion

The Department notes the effort the Council has made to attract additional building control staff and to implement recommendations made during the review. While difficulties are appreciated, the Department strongly encourages the Council to continue its efforts to recruit new staff. When compared with the volume and type of building control work facing the Council, the Council is still under-resourced and this is impacting on the building control unit's ability to effectively fulfil its statutory obligations (including meeting consent processing timeframes) and the quality of its building control outputs.

12 – TECHNICAL KNOWLEDGE AND ABILITY OF STAFF

Purpose

To examine the collective technical knowledge and ability of the building control unit regarding the Building Act, Building Regulations and the Building Code and to examine staff training provisions.

Background

Building control has progressively become more scientifically complex as new building materials and building systems gain wider use, safety provisions become more comprehensive and housing density increases. Construction methods now allow for smaller margins of error and the technical knowledge and expertise of building control staff must increase with that trend.

Initial review

Workload pressures were impacting on the Council’s ability to improve technical knowledge through staff training, particularly relating to weathertightness and accessibility compliance. The review team considered that the Council needed to address this problem as a matter of urgency.

Recommendations to the Council	Action taken by the Council before the follow-up review
Develop a staff competency and technical skills matrix that clearly identifies staff training requirements.	Limited progress was made to implement this recommendation.
Ensure this training occurs and that additional external resources are available to cover staff while they attend training courses.	The Council has not implemented this recommendation.

Follow-up review

The Council advised that they have begun the process of developing a competency and skills matrix. The senior plumbing and drainage, and building officers were responsible for determining respective training needs in their teams and then applying to the building manager for training approval. Inspection staff were allocated work according to geographic location rather than competence to undertake the work.

Recommendations to the Council	Response from the Council
Develop and implement a more rigorous system for: <ul style="list-style-type: none"> • assessing the competency of staff (and applicable contractors) based on objective evidence • developing a collective competency matrix for the building control unit based upon individual competency assessments • ensuring building control work is always allocated according to competence • determining individual professional development/training plans • identifying appropriate technical leaders and mentors. 	The Council advised that a skills matrix and competency framework is being developed that incorporates all of the requirements identified. A comprehensive training and development framework is also being developed and implemented.

Conclusion

The Department considers that this is a priority area for the Council to urgently progress. The Council needs to continue to expand the technical skills and expertise of its staff to ensure it more closely aligns with the type, complexity and volume of building control work it undertakes. The Council has not significantly advanced work under this part of the review, and the Department welcomes the Council's advice that a competency assessment framework is being developed according to our recommendations. Competency assessments of staff (and applicable contractors) need to be factored into the Council's decision-making (eg, allocation of work, development of training plans and human resourcing).

13 – ADEQUACY OF RESOURCES AND EQUIPMENT

Purpose

To examine the resources and equipment the Council's building control staff have at their disposal to carry out their building control operations.

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, moisture meters and supporting computer programmes.

Initial review

The initial review identified that the Council's offices had an inadequate range of building control work aids. The Council needed to improve its documentation systems and consider the use of digital cameras as one way of recording observations made during site visits.

Recommendations to the Council	Action taken by the Council before the follow-up review
Develop a technology support strategy for building control work to identify available support strategies and how they could be cost-effectively implemented.	The Council began introduction of a new Pathways computer programme.

Follow-up review

The Council advised the Department that the new Pathways computer programme would provide a platform from which the Council would be able to integrate further electronic advances within the next 5 years. While the Pathways computer system is a useful tool, the Department considered that some staff were struggling to keep up with the technology advances made to date.

Recommendations to the Council	Response from the Council
Continue to develop its technology and resources (including the new computer system) and ensure staff are adequately trained in its use.	The Council advised that Pathways training initiatives have been developed and implemented. These included use of on-line support, along with colleague-based training, and development through the philosophy of 'super-user'. Enhancements to all technology platforms, including Pathways, are ongoing and subject to training and development.

Conclusion

The Council has implemented the Department's recommendation, but notes the ongoing need to adequately support staff to keep up to date in their training and use of these resources.

14 – ADEQUACY, SECURITY AND AVAILABILITY OF PUBLIC RECORDS

Purpose

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

Background

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

Findings

The Council provided adequate security and availability of public records. No recommendations were made during the review.

15 – RELATIONSHIPS WITH BUILDING CERTIFIERS AND OTHER TERRITORIAL AUTHORITIES

Purpose

To identify any specific issues arising from the Council's dealings with private building certifiers and other territorial authorities.

Background

When this technical review was initiated, the Building Act 1991 provided a framework for private building certifiers to undertake specified regulatory building control work. This provided a private sector alternative for consumers to access instead of territorial authorities. It was, therefore, important for territorial authorities to have good working relationships with private building certifiers as both could be involved with the same building consent.

Findings and conclusion

Due to the implementation of the Building Act in 2004, all private building certifiers had exited the New Zealand market by late 2005 which changed this position considerably. The findings and conclusions of the initial review no longer hold any relevance.

The Department found that the Council has a positive and interactive relationship with its neighbouring Auckland territorial authorities, with meetings between authorities held on a regular basis. While this is considered a good initiative, the Department encourages the Council and its neighbours to use this as an opportunity to develop consistency of good practice across the Auckland region.

16 – CASE STUDIES

Purpose

To undertake case studies of building consents that were completed within a 6–12 month period prior to the review, to assess the adequacy of the Council's building consent processing and inspection regime, and to observe Building Code compliance assessment practices.

Background

The Department identified a number of building consents that were recently processed and approved by the Council and have progressed to code compliance certificate stage (although some case studies involved buildings that were still in the construction phase, to ensure sampling of process work was recent). These building consents were chosen to be typical of the building type the Council deals with, and also involved compliance elements that are known to be difficult or high risk (such as access for people with disabilities, or weathertightness of monolithic claddings).

The findings of the case studies were used to support and reinforce the more general review findings outlined under the other criteria.

Initial review

The review team conducted 19 case studies of completed buildings and noted a number of ways the Council could improve its building control activities. The main issues noted in the initial review were:

- the Council's consent processing staff were not identifying alternative solutions when they were submitted and were consequently not documenting why they were accepting or rejecting those alternative solutions
- the Council's vetting of building consent documentation required improvement as the case studies revealed that the Council was accepting building consent applications that did not contain the required information
- more rigorous and thorough inspection practices were required
- documentation of the inspection process was often inadequate.

Recommendations to the Council	Action taken by the Council before the follow-up review
<p>Improvements were required in:</p> <ul style="list-style-type: none"> • procedures for dealing with consent applications with insufficient information • processes for documenting alternative solutions and the basis for their acceptance or rejection • processing activities and inspections to ensure more rigorous and thorough processes and documentation and thus consistent compliance with all Building Code requirements • training programmes that lift technical knowledge • recruitment programmes that meet both short and long-term staff needs. 	<p>The Council introduced a number of initiatives as discussed under each part of the review's terms of reference.</p>

Follow-up review

Some of the findings of the initial review were still relevant and other issues emerged. In summary, the Department found that the Council was:

- generally achieving a greater level of compliance, in particular for residential or domestic work, compared to case studies assessed in the initial review
- still accepting building consent applications lacking sufficient detail and evidence to ensure compliance with the Building Code (see 4.1)
- not always including all relevant information in its project information memoranda and that there was often a lack of clarity surrounding the information that is included (see 4.2)
- placing a heavy reliance on the use of consent notations and that these were routinely being used to make up for deficiencies in consent documentation (see 4.4)
- not always providing justification for the acceptance of producer statements (see 6)
- not always meeting the accessibility requirements of the Building Code (see 10)
- not adequately documenting inspection findings; and that inspection sheets often contained little useful information.

Recommendations to the Council	Response from the Council
<p>Continue to work on implementing the recommendations identified throughout this report.</p>	<p>The Council advised that it has taken the recommendations outlined in this and previous reports seriously and will continue to work through these and to monitor performance and change as a consequence.</p>

Conclusion

The key findings from the case studies undertaken have been reflected throughout the report. The Department is concerned that a significant level of non-compliance is still being approved in some of the building consents issued by the Council. This will require the range of initiatives discussed in the report to be fully implemented. Our main message is that the Council's work to date is a good start, but ongoing effort is required.

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

There were a number of deficiencies in the overall level of technical knowledge of the Council's inspection staff. In particular, gaps were identified in inspectors' knowledge of accessibility compliance, accessible features and weathertightness detailing. These problems were attributed to the time that each inspector was able to spend on site due to high workloads.

Recommendations to the Council	Action taken by the Council before the follow-up review
Note the current workload pressures and the consequent increased risk of inspection error.	Workload pressures were relieved by the additional staff employed by the Council.
Note that the general level of technical knowledge needs to be improved, using an ongoing professional development programme.	This is discussed under part 12 of the review's terms of reference.
Ensure consent review and inspection work is properly resourced with technically competent staff.	The Council employed an additional 10 building control and administrative staff.
Review the inspection-booking system to ensure the inspection staff are given the support they need to manage work flows properly.	A new inspection-booking system has been developed to limit the number of building inspections conducted by inspectors.

Follow-up review

The Council has accepted the initial review's recommendations and while it has not fully adopted these, it advised it was making a concerted effort toward this. A new inspection-booking system was introduced to limit the number of building inspections being undertaken by inspectors to 10 per day. Workload pressures have also been relieved through employing additional staff. The Department did, however, note a number of issues that required the Council's attention, in particular:

- training in certain areas needed to be undertaken and competency assessment processes needed to be developed to identify individual staff training requirements
- the Council’s inspection checksheets were not always appropriate for the type of inspection being undertaken
- there was no formal documented inspection methodology for inspectors to use and inspection notes were usually very brief and did not contain all the relevant information.

Recommendations to the Council	Response from the Council
Continue to work on implementing the recommendations identified throughout this report.	<p>The Council advised that it has taken the recommendations outlined in this and previous reports seriously and will continue to work through these and to monitor performance and change as a consequence.</p> <p>It noted that a review of inspector roles, responsibilities and capabilities will be conducted, which includes the documentation of inspection methodology.</p>

Conclusion

The Council has partially implemented the Department’s recommendation; however, the findings of the review noted some significant issues that needed to be addressed, including inconsistencies in inspectors’ practices and skills, inadequate staff training being provided and non-compliant building work being approved on site and when issuing code compliance certificates.

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. In accordance with this, the Department provided several opportunities for the Council to submit feedback at each stage of the review process, and the Department has sought feedback from the Council. When provided and where possible, this has been incorporated under each of the terms of reference used as the basis for the review.

Council Statement

The Council advised that it:

“.....is pleased with the process and outcome of the Department’s Technical Review (April 2007) and acknowledges the opportunity to provide feedback and comment.

The feedback from this document has enabled, and will continue to enable, Council to better focus on our statutory requirements and obligations; to provide a regulatory environment for our staff within which to receive, process, assess and inspect building consent applications; to provide a demonstrated structure for our applicants in terms of the quality and content of their documentation; and to ensure clarity and transparency around the consent process in general.

Waitakere City Council will continue to work through the recommendations that have been highlighted in this review and to monitor performance and implement change as a consequence of the opportunities presented.

The Building Consent Authority Accreditation process that is being worked through has also provided a mechanism to achieve discipline in the way we resource, process and monitor our Building Consent applications and has brought about an improvement in statutory performance and customer delivery.”

7 Next steps

Further reviews

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

New system of accreditation and registration

The Department's technical reviews are an important tool for territorial authorities and building consent authorities to assess their readiness, and assist their preparation, for a new regulatory system introduced by the Building Act 2004. The building consent authority accreditation and registration scheme will regulate building control provided at the local level. This will bring about significant changes to regulatory building control in New Zealand.

Accreditation in the building control sector aims to strengthen the decision-making processes at the critical building consent and inspection stages of the building process. Successful implementation will bring about greater consistency in regulatory building control across New Zealand. It will help lead to performance improvements, raised standards in the sector, and more consumer confidence in the system.

Under the Act, any organisation that wishes to undertake building control functions after 30 June 2008 must be a registered building consent authority. In order to be registered, an organisation must be accredited by the Building Consent Accreditation Body (International Accreditation New Zealand) as a building consent authority.

The Department's Consent Authority Capability and Performance Group is leading the work to implement this new system. The accreditation process will involve prospective building consent authorities being assessed by the independent accreditation body against a set of standards and criteria *Building (Accreditation of Building Consent Authorities) Regulations 2006* covering key components of good-practice regulatory building control.

The accreditation assessment process will incorporate many of the critical regulatory building control components of the Department's existing technical review process. The *Building (Accreditation of Building Consent Authorities) Regulations 2006* have a strong industry focus and cover three key areas.

- Formal policies, systems and processes
- Technical competence
- Quality assurance

Further information

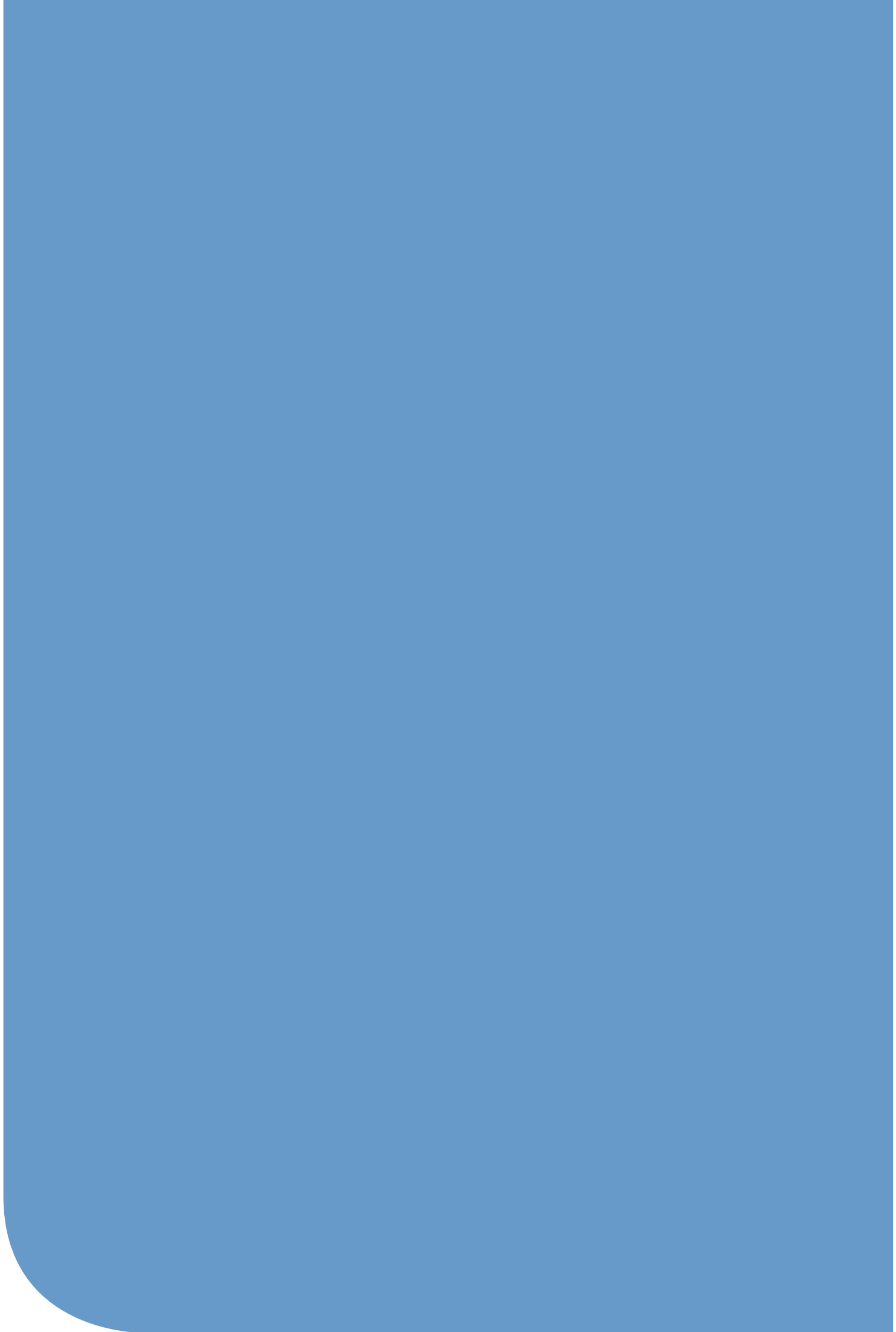
Further information about both the technical review programme and the building consent authority accreditation and registration scheme can be accessed online at www.dbh.govt.nz

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 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 Officials' Guide to the Building Act 2004 (August 2005, second edition)
- Building Consent Authority Development Guide (February 2006)
- Building Officials' FAQs (August 2005)
- Earthquake-prone building provisions of the Building Act 2004: Policy guidance for territorial authorities
- Dangerous and insanitary building provisions of the Building Act 2004: Policy guidance for territorial authorities
- External moisture – a guide to using the risk matrix
- External moisture – An introduction to weathertightness design principles
- Critical requirements for the Assessment of 'Monolithic Cladding' (April 2004)
- Practice Advisory 6: Achieve best practice – every step of the way
- Practice Advisory 5: Allow for movement
- Reinforcing steel in New Zealand – A quick guide for designers, building consent authorities and contractors
- Guide to applying for a building consent (simple, residential buildings) (January 2007)
- Building Consent Authority Accreditation Preparation and Self-assessment Guide (February 2007)
- Building Consent Authority Management Processes and Procedures Guide (February 2007).

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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