



Purpose

The purpose of this document is to describe the roles and responsibilities of a territorial authority (TA) and a building consent authority (BCA).

Scope

This document is to be used when establishing the roles and responsibilities that a TA or BCA has when performing its functions within its own district.

References

Building Act 2004 (BA2004) and Building Amendment Act 2005

BA2004 subpart 3 Sections 237-240 and 250-255

TA: Building Act 2004 Subpart 2 Sections 212-219

Local Government Act 2002

Building Regulations 2004

1. Roles and responsibilities of a TA

A territorial authority is required to perform the functions of a BCA within its district and any coastal marine areas adjacent to its district that are not in the district of another TA in relation to:

- any application for a building consent made to the TA
- any building consent granted under that application **except** in the case of dams.

A TA is responsible for the following.

1. Issuing project information memoranda (section 34).
2. Providing a copy of relevant applications to the New Zealand Historic Places Trust (section 39).
3. The TA **must** act as a BCA within its district
4. The TA **must apply** to the chief executive officer of Department of building and housing (DBH) to be **registered** as a BCA on or before **31 May 2006** and **may act as a BCA** until that application is **approved or declined**, or **until 30 November 2007**, whichever comes first
5. In order to be registered, a BCA must first be accredited.
6. An application for accreditation shall be made to an accreditation body.
7. A TA must not grant a waiver or modification involving disabled access in an existing building – these applications must be referred to chief executive officer of DBH (section 67(3))
8. A TA is responsible for inspecting building work under a Notice to fix. (section 167)

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1.1 A TA is responsible for issuing

1. Building consents subject to waivers or modifications of the building code. The TA must notify chief executive officer of DBH if waiver or modification granted (section 68)
2. Certificates of acceptance (section 96)
3. Amend compliance schedules (section 107)
4. Administering and enforcing the provisions of building warrant of fitness (section 108-111)
5. Extent of compliance on change of use and specified intend life changes (section 114)
6. Functions in relation to earthquake prone, dangerous or insanitary buildings (section 121-132)
7. Certificates of public use (section 363A)
8. Determining whether building work is exempt under First schedule to the BA2004
9. Any other functions and duties required by the BA2004.

1.2 Powers of transfer

A TA may transfer any or all of its functions, duties or powers under the Act to another TA **except** the power of transfer (section 213).

1.3 Procedure for transfer

1. Consultation in accordance with section 83 of Local Government Act 2002.
2. Serve notice on the Minister of proposal to transfer.
3. Reach agreement with other TA that the transfer is desirable for efficiency, technical or special capability or expertise.

A TA is responsible for keeping information that is relevant to the Act, for at least the life of the building for example:

- Plans and specifications in relation to building consent applications
- PIMs and building consents
- Specified intended life
- Code compliance certificates
- Building warrant of fitness
- Copies of energy work certificates
- Compliance schedules
- District court orders under section 126
- Records received by statutory bodies containing information on land or building.
- All information provided to the TA by the BCA under section 238.



1.4 Public records

The following information must be made available to the public, and be kept for 10 years unless for reasons of security the files are marked as confidential

- (i) Summary of written complaints received by the TA concerning alleged breaches of the Act or former Act.
- (ii) Information on how the TA dealt with the complaints.

1.5 Photocopying facilities

The TA must make photocopying facilities available and may charge a reasonable fee for this service.

1.6 Provide information to chief executive officer of DBH

The TA must provide information to the Chief Executive Officer of DBH in relation to its functions, duties and powers under the BA2004, as prescribed by the regulations.

1.7 Impose fees and collect levies

The TA may impose a fee or charge for services provided and must collect the levy in relation to a building consent. (section 219).

1.8 Apply to District court

The TA can apply to the District court for an order authorising the TA to do certain work in the case of dangerous, earthquake prone and or insanitary buildings (section 220).

1.9 Power to inspect

The TA has the power to inspect and enter land (section 222-228).

1.10 Power to issue infringement notices

The TA has the power to warrant enforcement officers to issue infringement notices under section 372.



2. Roles and responsibilities of a BCA

A BCA must be registered under section 273 and provide services as a BCA within its district and any coastal marine areas adjacent to its district that are not in the district of another TA. A BCA performs the following functions:

- Issues building consents (except those subject to a waiver or modification) (section.51)
- Inspects building work for which it has granted a consent
- Issues notices to fix (section.164)
- Issues code compliance certificates (section.91)
- Issues compliance schedules (section.102)
- Issues infringement notices
- When issuing building consents a BCA must provide the NZ Fire Service a copy of every application for a building consent of the kind specified by a Gazette Notice. (section 46)

Note: BCAs must ensure that all prescribed forms meet the requirements of the Building Regulations 2004 and, applications and certificates are completed.