



### Purpose

The purpose of this document is to describe the procedure for investigating and resolving a complaint relating to building works being undertaken in conjunction with a building consent.

### Scope

This document covers the procedure for identifying, investigating and resolving a complaint relating to building works being undertake in conjunction with a building consent.

**Note:** Complaints that do not relate to works with building consent, refer to BLD-78.2-PROC.

### References

Building Act 2004 Section 40

Building Amendment Act 2005

BLD-3.2-PROC, Managing a customer enquiry

BLD-40.0-POL, Complaints during the building construction process

BLD-40.1-FLOW, Complaints during the building construction process

BLD-29.2-PROC, Notice to fix

BLD-43.2-PROC, Dangerous and unsanitary buildings

BLD-78.2-PROC, Request for service.

### Roles and responsibilities

This roles and responsibilities of each person involved in the process is listed as follows.

**Building control manager:** Ensures the appropriate staff understand the procedures involved when receiving complaints.

**Quality manager:** Audits the process involved when dealing with complaints during construction.

**Team manager (residential or commercial):** Ensures staff responds to complaints or liaises with the appropriate team manager

**Team leader (residential or commercial):** Investigates and responds to complaints in a timely manner, providing a full and complete record of findings and actions taken.

**Building official:** Receives complaints, logs request for service or communicates a ‘complaint when building consent’ to team leader.

**Customer:** Lodges complaints, verbally or in writing.

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	Name	Title			Date
Author	Peter King	Senior Specialist – Building Regulatory Services			
Approved by					
Issued by					
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## Procedure

The following table outlines the complaints during consent process procedure:

Step #	Description	Responsibility
1	<p><b>Lodge complaint</b></p> <p>The customer contacts the council and makes a complaint about building works being conducted at a site address. This complaint may be made orally or in writing. The complainant needs to provide the following details:</p> <ul style="list-style-type: none"> <li>• Name</li> <li>• Address</li> <li>• Contact number (if available)</li> <li>• Site address</li> <li>• Details of building works and the nature of the complaint</li> </ul>	<b>Customer</b>
2	<p><b>Receive complaint</b></p> <p>The complaint is received. The officer considers whether the matter is a request for service ie is there evidence of a potential breach of the building act that requires investigation. If the officer is unsure they should discuss the matter with a member of the phones team or building team leader.</p> <p>If there is evidence of a potential breach the officer is required to conduct a search of the site address in the appropriate databases (Workbench and WorkSmart) for an approved building consent</p> <p>If there is an approved building consent: Go to step 4 If there is not: Go to step 3</p>	<b>Building official</b>
3	<p><b>Log incident</b></p> <p>Log the incident as a request for service. The complaint is now referred to BLD-78.2-PROC, Request for service.</p>	<b>Building official</b>
4	<p><b>Forward to team leader</b></p> <p>Document the following complainant details:</p> <ul style="list-style-type: none"> <li>• Full name</li> <li>• Address</li> <li>• Contact details</li> <li>• Site address</li> <li>• Type of building works</li> <li>• Nature of complaint</li> <li>• Approved building consent number</li> <li>• Description of works</li> <li>• Approval date</li> <li>• Issue date</li> </ul> <p>Forward the particulars to the team leader by email and update record with details of the complaint.</p>	<b>Building official</b>



Step #	Description	Responsibility
5	<p><b>Conduct background enquiries</b>            This will typically include:</p> <ul style="list-style-type: none"> <li>• Clarifying complaint details with complainant.</li> <li>• Reviewing WorkSmart and Workbench and record for details of building consents approved for the site.</li> </ul> <p>If the works in question are connected to the approved building works under the consent: Proceed to step 6.            If not: Proceed to step 3.</p>	Team leader
6	<p><b>Conduct site inspection</b>            Visit the site address to determine if there are non-compliant activities/ building works on site. The owner/applicant should be contacted prior to visiting the site and advised of the reason for any visit unless there is a good reason not to do so ie. removal of evidence or concerns over likelihood of obstructive behaviour.            The site visit should include:</p> <ul style="list-style-type: none"> <li>• A review of works against the building consent</li> <li>• Identification of any non-compliance.</li> <li>• Obtaining and recording of any necessary admissions or explanation by the person in charge of site.</li> <li>• If practicable, photographs of areas of non-compliance.</li> </ul> <p>After the site inspection is complete, determine whether there is any non-compliance.            If no non-compliance is identified: Proceed to step 7.            If non-compliance is identified: Proceed to step 8.</p>	Team leader
7	<p><b>Advise complainant and update record</b>            Notify complainant in writing (and in person, if required). Record the enquiry details justifying the course of action taken in the appropriate system.</p>	Team leader
8	<p><b>Determine enforcement approach</b>            Consider the appropriate course of action to resolve.            If there is non-compliance a notice to fix is required.            Refer to BLD-29.2-PROC.</p> <p>If the non-compliance is of such a nature as to endanger the public including construction staff, it may be appropriate to issue a dangerous building notice or a CEO Warrant. Refer BLD-43.2-PROC.</p> <p>There are also a number of other actions that may be appropriate including:</p> <ul style="list-style-type: none"> <li>• Obtaining a court injunction to prevent or require specific actions to remediate an issue.</li> <li>• Initiating prosecution action in the case of non-consented/illegal building works. Refer to BLD-78.2-PROC.</li> </ul>	Team leader