

Doc Ref TS-19 Consent Processing-NV

Date 20/05/2008

# TS-19 Consent processing

## BCA AIM

To provide an accurate and timely assessment procedure in accordance with the Building Act 2004 and the New Zealand Building Code.

## ROLES AND RESPONSIBILITIES

- **BCA**

Responsible for ensuring appropriate systems in place for processing and issuing a building consent.

- **Building Manager**

Responsible for ensuring building officials and administration staff have the appropriate levels of technical competence to fulfil their functions and duties.

- **Technical Leader**

Responsible for providing (or accessing) specialist assistance to Building Officers when needed during the performance of their duties.

- **Building Officer**


Responsible for assessing building consent applications and providing the correct outputs in accordance with the Building Act 2004 and the Building Code, undertaken within their scope of capability.

- **Administration Officer**

Responsible for identifying, managing, obtaining and collating all required building consent inputs and outputs prior to building consent issue.

## BACKGROUND

1. A building consent is the formal approval, under section 49 of the Building Act 2004, for an applicant to undertake building work.
2. Except in specific circumstances (refer to section 41) a person may not carry out building work without a building consent. Even if a building consent is not required, all building work must be undertaken in accordance with the Building Code.
3. Building consent must be granted or refused by the BCA authority in accordance with time frame within the Building Act.
4. The documentation shall reflect accurately what is to be built. Changes during construction may require an amendment to the building consent.
5. Building consent applications are required to be submitted on the prescribed form. Information required to accompany the form includes:
  - identification of Building Code Clauses that are to be complied with
  - waivers/modifications to the Building Code Clauses and the reasons for this
  - development contribution notice, if applicable
  - any resource consent certificates attached under section 37
  - the project information memorandum, if this has been previously applied for
  - plans and specifications required by the Regulations, and by the building consent authority
  - the list of specified systems for the building (whether new, existing or altered)

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- any other information that the building consent authority reasonably requires.
6. Although the Building Act 2004 makes no reference to the use of producer statements, they will be accepted as a mechanism for establishing compliance with all or any part of the Building Code.
  7. The BCA may request further information during processing. If a request for further information is made the processing period is suspended until the required information is provided.
  8. During building consent processing certain building consent applications are required to be sent to the New Zealand Fire Service Commission to allow them to provide advice regarding means of escape and the need for people authorised to enter the building for fire fighting. The New Zealand Fire Service Commission is required to provide this advice in the form of a memorandum within 10 working days. If this advice is not received, the building consent authority may proceed to determine the application without the New Zealand Fire Service Commission input.
  9. Before determining whether or not to grant the building consent the BCA is required to take into account:
    - Any warnings or bans.
    - Advice provided by the New Zealand Fire Service Commission.
    - If the proposed building work involves alterations, change of use or subdivision: whether the building in its new use will:
      - where the change of use relates to additional household units, complies as nearly as is reasonably practicable with all provisions of the NZ Building Code.
      - comply, as near as is reasonably practicable, with every provision of the Building Code that relates to means of escape from fire, protection of other property, sanitary facilities, structural performance and fire rating performance and access and facilities for people with disabilities (if required by section 118), and
      - continue to comply with the other provisions of the Building Code to at least the same extent as before the alteration or change of use.
    - Whether an extension of life or the specified life of the building is appropriate to the application.
    - Whether any work relates to restricted work.

**Note:** The restricted building work provision does not come into effect until 30 November 2009.
  10. The building consent must be issued on the prescribed form if the BCA is satisfied on reasonable grounds that the provisions of the Building Code will be met if the building work is completed in accordance with the plans and specifications that accompany the application.

## PROCEDURE

### PRELIMINARY

#### Task allocation (TS-17)

The building consent application information is distributed to the appropriately skilled personnel for processing (this may include external specialists/consultants, and New Zealand Fire Service Commission).

The Building Officer processing the application will generally be responsible for managing the processing time-frame.


#### 1 FILE ASSESSMENT AND COMPETENCE CHECK

1.1 Each Building Officer will assess the work allocated to determine whether:

- it is within their scope of competence
- their workload will allow them to complete the work within the required time-frames.

If not, they will return the work to their manager for reallocation.

#### 2 BUILDING OFFICER ASSESSES COMPLIANCE

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2.1 The building officer will assess the plans and specifications to ensure Building Code compliance is properly demonstrated in accordance with the current Building Code.

2.2 Processing checksheets are used to assess compliance.

### 3 PRODUCER STATEMENTS (TS-07)

3.1 Producer statements can only be assessed by competent building officers in accordance with section T-07.

### 4 ALTERNATIVE SOLUTIONS (TS-34)

4.1 If an application contains any alternative solutions, the Building Officer will determine whether the assessment of the proposed solution is within their scope of competence, or seek appropriate assistance.

4.2 The proposed alternative solution is considered for meeting the Building Code provisions in accordance with the process for assessing alternative solutions.

### 5 COMPLIANCE WITH THE BUILDING ACT

5.1 As well as assessing compliance with Building Code Clauses, a Building Officer is required to ensure Building Act provisions are satisfied.

5.2 These items are included in the relevant processing check sheet.

### 6 MATTERS ARISING FROM THE PROJECT INFORMATION MEMORANDUM (TS-08)

6.1 The project information memorandum requires an assessment to determine whether there are any Resource Management Act matters or on-site conditions that may affect the building work or any specific building consent conditions need to be applied.

### 7 DEVELOPMENT CONTRIBUTIONS (TS-09)

7.1 Development contributions are imposed by the territorial authority, who will require payment on or before the issue of the code compliance certificate.

7.2 The BCA will require, as a condition of consent, that the development contribution be paid to the territorial authority before the code compliance certificate can be issued (refer to section 36 Building Act 2004).

### 8 NEW ZEALAND FIRE SERVICE COMMISSION NOTIFICATION (REFER TO TS-11)

8.1 In cases where the New Zealand Fire Service Commission has provided a memorandum, a Building Officer will need to assess this information to determine whether the design work requires amending.

### 9 NATURAL HAZARDS (TS-12.1)

9.1 If the project information memorandum has identified that the proposed building work may be affected by natural hazards (like inundation, subsidence, slippage etc), a building officer will need to determine whether:

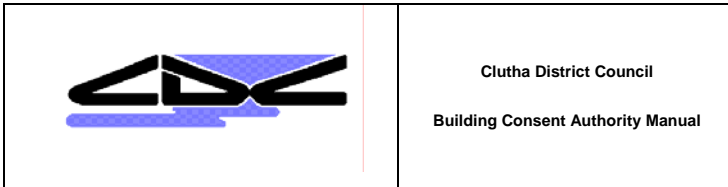
- the proposed building work will worsen or accelerate the natural hazard
- adequate provision has been made to protect the land **and/or** other property
- it is reasonable to issue a waiver or modification to the Building Code in respect to the natural hazard concerned
- the building consent authority needs to notify the consent to the parties listed in section 73 of the Act.

9.2 When all matters have been considered, the Building Officer will decide whether or not the building consent can be issued and, if so, whether there are any specific conditions that need to be applied.

### 10 BUILDING ON TWO OR MORE ALLOTMENTS (TS-13) (BA SECTIONS 75 – 83)

10.1 A building consent authority is not permitted to grant a building consent for building work if:

- it is identified that the building is being constructed over boundaries of two or more allotments under the same ownership in fee simple, and



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- it is not separated by a party wall, and
- there is no application for amalgamation of the titles.

The building consent cannot be granted until the territorial authority has issued a certificate imposing a condition that the specified allotments may not be transferred or leased as per condition set out in section 75(2).

- 10.2 The Building Officer will need to check that the territorial authority has issued the required certificate and lodged a copy with the Registrar-General of Land.
- 10.3 If the necessary conditions set out in section 75(2) have not been imposed and fulfilled, the Building Officer will suspend the application and notify the affected parties.
- 10.4 When satisfied that the territorial authority has fulfilled the necessary conditions, the building officer will sign off this portion of the building consent work.

### 11 ALTERATIONS TO EXISTING BUILDINGS (TS-14.1) (BA SECTION 112)

11.1 The BCA may not grant a building consent for the alteration of an existing building, or part of an existing building, unless the BCA is satisfied that after the alteration the building will:

- comply as nearly as is reasonably practicable with every provision of the Building Code that relates to:
  - means of escape from fire
  - access and facilities for people with disabilities
- continue to comply with the provisions of the Building Code to at least the same extent as before the alteration.

However, in certain circumstances as set out in section 112(2), a territorial authority may allow alterations other than in compliance with the Building Code providing it has given the owner written notice to do so.

- 11.2 If a building consent involves alteration to an existing building and the plans and specifications do not demonstrate compliance with means of escape and accessibility provisions, a Building Officer will need to ascertain from the territorial authority whether it has issued a notice permitting this.
- 11.3 If documents indicate less than full compliance and a notice from the territorial authority has not been provided, the Building Officer is required to suspend the building consent and advise the applicant to either:
- obtain a notice from the territorial authority allowing less than full compliance or
  - provide amended plans demonstrating full compliance.
- 11.4 Once satisfied that the provisions of section 112 are met, the Building Officer will include any relevant building consent advice notes, and will sign off this portion of the building consent work.

### 12 CHANGE OF USE OR SUBDIVISION OF A BUILDING (TS-14) (BA SECTIONS 114 – 120)

12.1 If a building consent application involves a change of use or subdivision of an existing building,- then **before** the building consent is issued by the BCA:


- must be supplied with a copy of the written notice issued by the territorial authority to the building owner confirming that it has agreed to the proposed change of use or subdivision, and
- in the case of subdivision the building officer is to include as a condition of Building Consent that a Code Compliance Certificate cannot be issued until the Territorial Authority has issued a certificate under section 224(f) of the Resource Management Act giving effect to the subdivision.

12.2 If the necessary documentation has not been provided, the application should be suspended and the applicant advised that further information is required.

### 13 SPECIFIED INTENDED LIFE (TS-14.2) OR EXTENSION OF LIFE (TS-14.3) (BA SECTION 113)

- Only a territorial authority can grant a building consent for buildings having a specified intended life of 50 years or less.

### 14 NEW ZEALAND HISTORIC PLACES TRUST APPROVAL INPUTS (TS-18) (BA SECTION 39)

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14.1 When proposed building work involves a heritage site as identified in Section 39(2) of the Building Act, before a building consent can be issued the Building Officer will ensure the New Zealand Historic Places Trust has provided authorisation for the proposed building work to proceed.

**Note:** The *New Zealand Historical Places Trust* requires that the owner provide a copy of the application together with sufficient detail to explain the nature and extent of the work involved.

The New Zealand Historic Places Trust will either sign the plans or issue a letter confirming the approval or refusal of the application.

14.2 If authorisation has **not** been granted, the applicant will need to be advised that the building work cannot proceed until the required authorisation is obtained. The building officer must attach a certificate issued under section 37 of the Building Act, detailing the requirement to obtain resource consent before work can commence.

### 15 RESTRICTED BUILDING WORK (TS-26) (SECTIONS 84 – 88)

Note: The restricted building work provision does not come into effect until 30 November 2009.

15.1 If a building consent application involves restricted building work, the Building Officer will need to first identify the extent and classification of the proposed restricted work.

15.2 The Building Officer should then determine whether the designer holds the appropriate licence for the scope of the restricted work that is proposed and whether they have provided the appropriate level of information.

15.3 The Building Officer will then check the registration details of the licensed building practitioner supervising or undertaking the proposed work.

15.4 If the Building Officer is not satisfied with the level of information provided, the application may be suspended and the applicant contacted and requested to provide further information.

### 16 REQUESTS FOR MODIFICATIONS AND WAIVERS (TS-23) (SECTIONS 67 – 70)

16.1 The BCA will notify the Chief Executive of the Department of Building and Housing when it issues a waiver or modification to the Building Code.

16.2 If there are any applications for modification or waivers to the Building Code within the application, then the Building Officer will follow the process defined in TS-23.

### 17 WARNINGS AND BANS (T-43) (SECTIONS 26 AND 48(3))

17.1 The BCA may not grant a building consent for building work that could result in a person breaching a ban imposed under section 26.

17.2 Reference to checking for warnings and bans will be contained on the processing check sheet and the process is detailed in section TS-43.

### 18 COMPLIANCE DOCUMENTS (TS-02 AND TS-40) (SECTIONS 22-25 AND 405-413)

18.1 The Building Officer will need to ensure building consent applications indicate which compliance documents are to be relied upon to demonstrate and achieve Building Code compliance.

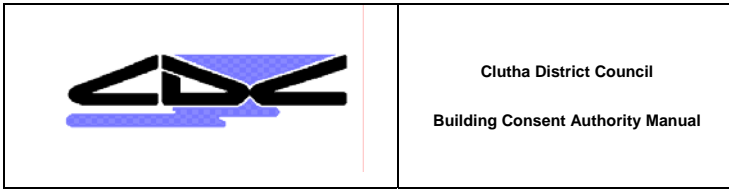
18.2 The BCA will ensure the documents used are current and fit for purpose.

### 19 RECORD DECISIONS AND DOCUMENT PROCESSES

19.1 On completion of all processing, the BCA will compile the building consent documentation, and determine whether compliance has been achieved.

19.2 The BCA will ensure an audit trail (checklists) is provided for each step of the processing operation.

19.3 If compliance has not been achieved, the BCA will refuse the building consent and advise the applicant of the reasons for refusal in writing.



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## 20 FORMALISE INSPECTION REQUIREMENTS

20.1 After compiling the processing information, the building officer will determine the number of inspections required and assess whether there are any specific onsite inspection requirements.

20.2 Aspects needing consideration will include:

- specialist inspections by technical experts
- confirmation of producer statement conditions.

## 21 PROCEED TO GRANTING AND ISSUING OF CONSENT TS-25

### NOTES

- Processing check sheets