



## T-01 Roles and responsibilities of a territorial authority (territorial authority functions)

### BUILDING ACT 2004: SUBPART 2 SECTIONS 212–219

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

- (a) any application for a building consent made to the territorial authority
- (b) any building consent granted under that application including the transitional provisions in respect of dams until the regional authority has become an accredited building consent authority.

### THE TERRITORIAL AUTHORITY IS RESPONSIBLE FOR THE FOLLOWING.


- (I) Issuing project information memoranda.
- (II) Providing a copy of relevant applications to the New Zealand Historic Places Trust (section 39).
- (III) The territorial authority must act as a building consent authority within its district.
- (IV) The territorial authority must **apply** to the Chief Executive of the Department of Building and Housing to be **registered** as a building consent authority on or before **31 May 2006**, and **may act as a building consent authority** until that application is **approved or declined**, or **until 30 November 2007** (whichever comes first).
- (V) In order to be registered, a building consent authority must first be accredited.
- (VI) An application for accreditation shall be made to an accreditation body.
- (VII) A territorial authority must not grant a waiver or modification involving access and facilities for people with disabilities in an existing building – these applications must be referred to Chief Executive of the Department of Building and Housing.

### TERRITORIAL AUTHORITY IS ALSO RESPONSIBLE FOR THE FOLLOWING.

- (I) Issuing building consents subject to waivers or modifications of the Building Code. The territorial authority must notify the Chief Executive of the Department of Building and Housing if a waiver or modification has been granted.
- (II) Issuing certificates of acceptance (section 96).
- (III) Issuing amended compliance schedules (section 107).
- (IV) Administering and enforcing the provisions of building warrants of fitness (sections 108–111).
- (V) The extent of compliance on change of use and specified intend life changes (section 114).
- (VI) Functions in relation to earthquake-prone, dangerous or insanitary buildings (sections 121–132).
- (VII) Determining whether building work is exempt under the First Schedule to the Building Act 2004.
- (VIII) Any other functions and duties required by the Building Act 2004 (project information memoranda, enforcement powers etc.)

### POWERS OF TRANSFER

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

	<p style="text-align: center;">Clutha District Council</p> <p style="text-align: center;">Building Consent Authority Manual</p>	Doc Ref	TS-01 Role of territorial authority
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### PROCEDURE FOR TRANSFER

- (I) Consultation in accordance with section 83 of the Local Government Act 2002.
- (II) Serve notice on the Minister of proposal to transfer.
- (III) Reach agreement with other territorial authority that the transfer is desirable for efficiency, technical or special capability or expertise.

### TERRITORIAL AUTHORITY IS RESPONSIBLE FOR KEEPING INFORMATION RELEVANT TO THE ACT FOR AT LEAST THE LIFE OF THE BUILDING. FOR EXAMPLE:

- plans and specifications in relation to building consent applications
- project information memoranda and building consents
- specified intended life
- code compliance certificates
- building warrants 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 territorial authority by the building consent authority under section 238.

### PUBLIC RECORDS

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

- Summary of written complaints received by the territorial authority concerning alleged breaches of the Act or former Act.
- Information on how the territorial authority dealt with the complaints.
- The territorial authority must make photocopying facilities available and may charge a reasonable fee for this service.
- The territorial authority must provide information to the Chief Executive of the Department of Building and Housing in relation to its functions, duties and powers under the Building Act 2004 (as prescribed by the Regulations (section 169).
- The territorial authority may impose a fee or charge for services provided.
- The territorial authority must collect the levy in relation to a building consent (section 219).
- The territorial authority can apply to the District Court for an Order authorising the territorial authority to do certain work in the case of dangerous, earthquake-prone and/or insanitary buildings (section 220).
- The territorial authority has the power to inspect and enter land (sections 222–228).
- The territorial authority has the power to warrant enforcement officers to issue infringement notices under section 372.