



Department of
Building and Housing
Te Tari Kaupapa Whare

Summary of the 2008/2009 Technical Review Programme

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1 Foreword

This document provides a summary of the objectives, findings and recommendations of the Department of Building and Housing (the Department) Technical Review Programme conducted during November 2008 to October 2009. During this period the reviews of the following ten territorial authorities primarily examined building control systems related to 'specified systems', 'compliance schedules' and 'building warrants of fitness'¹.

- 1 Gisborne District Council
- 2 Hastings District Council
- 3 Kaipara District Council
- 4 Napier City Council
- 5 Rotorua District Council
- 6 South Waikato District Council
- 7 Taupo District Council
- 8 Tauranga City Council
- 9 Wairoa District Council
- 10 Whangarei District Council.

Technical reviews play an important role in monitoring and reporting on the performance of territorial authorities in relation to their functions, duties and powers under the Building Act 2004 (Building Act). Copies of individual territorial authorities' reports are available online at <http://www.dbh.govt.nz/technical-reviews>.

Through the review process and subsequent follow up, the Department works collaboratively with territorial authorities to help improve building control performance locally and nationally. Accordingly, reviews and review recommendations focus on both strengths and weaknesses identified in the course of the reviews.

This report provides information of value to all territorial authorities and other stakeholders, such as independently qualified persons and building owners, about the performance issues faced by territorial authorities and their regulatory responsibilities relating to compliance schedules and building warrants of fitness.

All territorial authorities are encouraged to examine the findings and recommendations outlined in this summary report and to consider improvements that may also be made to their own building control operations.

¹ **Specified systems** are systems or features within a building that contributes to the proper functioning of the building (for example an automatic sprinkler system). **Compliance schedules** state the specified systems contained in a building and include the performance standards, maintenance, inspection and reporting procedures to be followed. **Building warrants of fitness** are certificates issued to the council by the owner of a building once the specified systems are inspected and are functioning in accordance with the compliance schedule.

2 Executive Summary

Technical review objectives

Technical reviews monitor and assist the building consent authority, territorial authority, or regional authority (the council) under review to improve their building control operations.

This report summarises ten councils' performance of their legislative procedures relating to specified systems, compliance schedules and building warrants of fitness and provide recommendations for improvement where required.

Review findings and recommendations

Technical reviews undertaken during November 2008 to October 2009 found the following four main areas where territorial authorities need to improve their building control performance in relation to specified systems, compliance schedules, and building warrants of fitness.

- 1 Knowledge, understanding and application of statutory responsibilities.** Some smaller councils had limited awareness of their statutory obligations. Consequently they were performing these functions poorly, or in some cases not at all.

Key recommendations relevant to finding 1

The Department recommended that the councils ensure:

- the building consent applicant provides a proposed inspection and maintenance procedure for each specified system with the building consent application
 - they understand their role of enforcing the provisions relating to building warrants of fitness (refer to section 12(2)(h) and 111 of the Building Act 2004)
 - they understand the requirement that all buildings that contain a specified system must have a compliance schedule
 - the content of the building consent complies with section 51(1)(c) of the Building Act (ie, building consents should list the specified systems that must be covered by the compliance schedule and the performance standards of those specified systems). It is recommended that the consent states what documentation is required to certify specified systems before the code compliance certificate is issued.
- 2 Effective systems, policies, and procedures.** Some councils did not have effective systems, policies or procedures for dealing with specified systems, compliance schedules and building warrants of fitness. Subsequently in some instances specified systems were missed, compliance schedules were incorrect and the building warrant of fitness systems were not properly enforced.

Key recommendations relevant to finding 2

The Department recommended that the councils ensure:

- procedures for issuing certificates for public use include expiry dates and conditions to maintain specified systems to ensure they function correctly rather than issuing a compliance schedule
- they review processing check-lists to ensure specified systems are assessed for compliance with the Building Code
- that policy and procedures are updated to accurately reflect their practice for building warrants of fitness
- building owners with compliance schedules, issue and provide building warrants of fitness to the council (and not the council on behalf of the owner)
- their processes or procedures include the requirement for compliance schedules to contain site-specific information (eg, recording the actual fire alarm type rather than a generic description)
- where appropriate, a plan is attached to the compliance schedule showing the location of all specified systems.

- 3 Documentation of building control decisions.** Councils need to show that proper procedures had been followed, the nature of the decision, reasons for the decision, supporting evidence for the decision, and whether any follow-up action was required or had occurred.

Key recommendation relevant to finding 3

The Department recommended that the councils ensure they review processing, inspection and audit check-lists to ensure reasons for their decisions are recorded that relate to specified systems, compliance schedules and building warrants of fitness.

- 4 Capacity and technical capability of the councils.** Generally, councils do not consider the compliance schedule and building warrant of fitness functions under the Building Act to be an organisational priority. Consequently, these functions are often under-resourced and under-funded. This was found to be the case in the ten councils reviewed.

Key recommendations relevant to finding 4

The technical reviews recommended that the councils ensure:

- specified systems are included in staff competency assessments and that appropriate training is provided to bridge any gaps in technical knowledge
- adequate technical and administrative support resources are available to fulfil the councils' responsibilities
- they continue to train staff in compliance schedule and building warrant of fitness functions.

Overall conclusion

Of the ten councils reviewed all were undertaking their specified system, compliance schedule and building warrant of fitness roles and responsibilities differently. Due to this there were varying levels of good practice, non-compliance, legislative understanding and overall performance. From the representative sample of councils reviewed, it is assumed that many of the issues identified could, and probably do exist at other councils around New Zealand. All councils are encouraged to examine the findings outlined in this report and to consider whether improvements may also be required to their own building control operations.

3 Technical review approach and scope

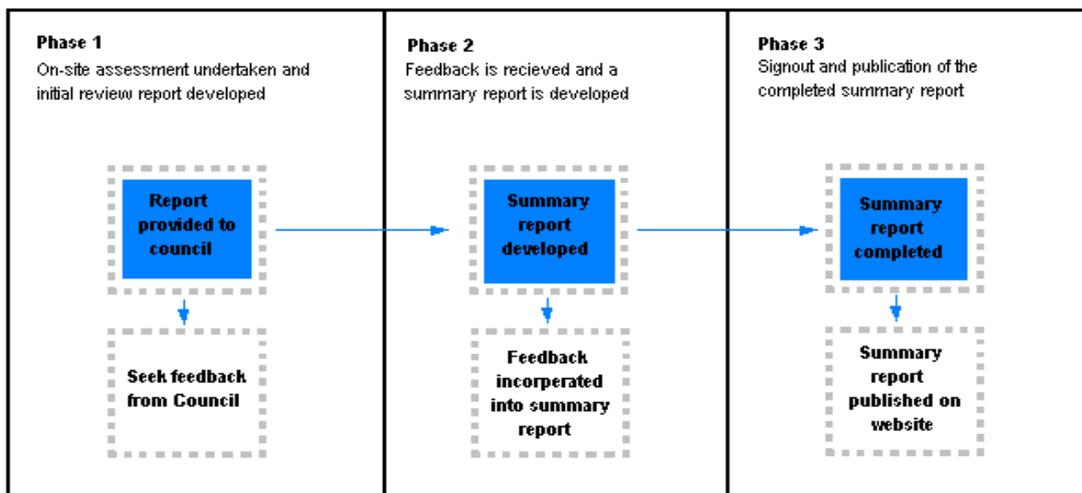
Approach

Reviews are conducted by the Performance Monitoring and Review Team within the Department's Consent Authority Capability and Performance Group. Team members involved in assessing a territorial authority's performance have extensive backgrounds in regulatory building control and building compliance.

The compliance schedule and building warrant of fitness reviews are completed over three phases, usually taking around 8 - 12 months to complete from start to finish. In phase one the Department does an on-site initial review of the territorial authority's building control operations and produces a detailed technical report (including case studies) with recommendations for performance improvements.

Phase two requires the territorial authority to provide written feedback to the Department on the initial report and on their progress in implementing the recommendations. The review process is then completed by preparing a summary review report for publication on the Department's website. The published summary review report incorporates the feedback provided by the territorial authority. Figure 1 shows the stages of the review process.

Figure 1: Overview of the technical review process



Scope of the 2008/09 review programme

The 2008/2009 Technical Review Programme covered the following 11 areas as they relate to specified systems, compliance schedules and building warrants of fitness

- 1 Organisational and management structure
- 2 Consent statistics
- 3 Statutory timeframes
- 4 Building Act requirements – compliance schedules
- 5 Building Act requirements – amending a compliance schedule
- 6 Building Act requirements – annual building warrant of fitness
- 7 Private cable cars (section 100)
- 8 Independent qualified person register
- 9 Human resources
- 10 Technical knowledge and ability of staff
- 11 Access to and storage of compliance schedule and building warrant of fitness documentation.

4 Main Findings

Disclaimer

As this report summarises the reviews of 10 councils, the findings and recommendations have been generalised and are limited to the most critical and/or the most common issues. To read the actual findings and recommendations of any of the 10 councils reviewed, individual summary reports are published on the Department's website at: <http://www.dbh.govt.nz/technical-reviews>.

4.1 Organisational and management structure

Objectives

The review objectives were to assess and identify any inefficiency with:

- the structure of the councils' building control operations
- how legislative powers, duties and responsibilities are delegated²

Findings and recommendations

All councils reviewed had appropriate structures for their building control operations and no recommendations were made.

With respect to how legislative powers, duties and responsibilities are delegated, the following performance issue was identified.

Performance issue	Number of councils affected	Recommendation
In relation to how legislative powers, duties, and responsibilities were delegated, incorrect parts of the legislation were referenced in the delegations.	2	Review and update their delegations to ensure relevant parts of the legislation are referenced.

² Section 232 of the Building Act states that clause 32 in Schedule 7 of the Local Government Act 2002 applies. Clause 32 covers territorial authorities' broad powers of delegation.

4.2 Statistics

Objectives

The review objectives were to assess the appropriateness of systems used to record building control statistics and performance information and to consider statistics relating to the number of:

- building consents, code compliance certificates and compliance schedules issued and the value of consented building work (as indicators of building control workload)
- buildings within the council district that have compliance schedules and warrants of fitness
- building warrant of fitness audits carried out
- certificates of public use issued
- certificates of acceptance issued.

This information helped to inform the review team when making recommendations in other areas included in the scope of these reviews, such as assessing the adequacy of resources compared to workloads.

Finding

All councils reviewed were adequately recording and reporting consent statistics. The statistical information collected during the reviews is presented in the figure below.

Figure 2: 12-month statistics collected from the technical reviews

	Gisborne District Council	Napier City Council	Wairoa District Council	Hastings District Council	Kaipara District Council	Whangarei District Council	South Waikato District Council	Tauranga City Council	Taupo District Council	Rotorua District Council	Total
Number of building consents issued	1450	1181	215	1684	956	1988	779	2588	1327	1548	13716
Total value of consented construction work (in Millions)	\$76	\$158.4	\$10	\$185.1	\$67.5	\$251.3	\$42	\$434.5	\$130.2	\$114.6	\$1469.6
Number of code compliance certificates issued	1200	1200	260	2078	862	1935	556	2741	1351	1523	13706
Number of compliance schedules issued	17	33	4	45	4	35	8	74	16	27	263
Number of buildings that have a compliance schedule	414	879	97	617	162	786	310	1017	656	756	5694
Number of buildings that have a building warrant of fitness	272	797	97	592	152	747	310	843	526	647	4983
Number of building warrant of fitness audits	0	0	0	60	17	130	3	55	0	300	565
Number of certificates of public use issued	9	38	3	NA	1	82	13	NA	44	126	316
Number of certificates of acceptance issued	10	66	3	NA	18	87	1	60	134	38	417

One of the trends that the statistics show is that the majority of councils did very few, or no building warrant of fitness inspections in relation to the number of buildings that have compliance schedules. The 10 councils had a total of 5,694 buildings with compliance schedules and a total of 565 audits/inspections were undertaken which equates to 9.9 percent of the buildings with compliance schedules. This 9.9 percent figure is somewhat misleading. A more realistic reflection of the actual situation is gained when the audits/inspections undertaken by Rotorua and Whangarei District Councils (300 and 130 respectively) are subtracted to give a total of 135 audits/inspections carried out by eight councils from 4,152 buildings with compliance schedules (ie. 3.25 percent).

Although Figure 2 does not include the number of compliance schedule statements issued, there is a trend that a significant number of buildings with compliance schedules do not have a current building warrant of fitness or compliance schedule statement. One council advised this figure to be as high as 27.2 percent.

4.3 Statutory timeframes

Objectives

The review objectives were to assess:

- councils' compliance with statutory timeframes for issuing compliance schedules
- how well councils monitored the timeliness of owners providing building warrants of fitness to the councils.³

Findings and recommendations

Most councils were issuing compliance schedules with the code compliance certificate, but some were incorrectly issuing them with certificates for public use.

Although the 12 month anniversary of the issue of the compliance schedule is not a timeframe imposed on the council, some councils needed to monitor this timeframe for owner-supplied building warrants of fitness.

³ Building warrants of fitness must be supplied by the owner to the territorial authority on the prescribed forms on each anniversary of the issue of the compliance schedule. Section 110 of the Building Act requires the owner to keep written reports for two years, together with the compliance schedule.

Performance issues	Number of councils affected	Recommendations
Compliance schedules were not being issued with the code compliance certificate and compliance schedule statements were often not being issued within the timeframe required by the Building Act.	2	Develop and implement a process to ensure compliance schedules and compliance schedule statements are issued in accordance with the timeframes in the Building Act.
No procedures for monitoring the 12-month anniversary of issued compliance schedules.	3	Council to develop, document and implement a procedure to monitor building warrants of fitness to ensure they are provided by the building owner on the anniversary of the issue of the compliance schedule.

4.4 Building Act requirements – compliance schedules

Objective

To determine if council systems are adequate to ensure:

- compliance schedules are issued in a timely manner
- building control staff are technically competent to administer and enforce these systems⁴.

Findings and recommendations

Systems used for processing building consent applications that contained specified systems varied from council to council. Several councils had processes that covered significant aspects of Building Code compliance relating to specified systems.

All councils reviewed listed on the building consent the specified systems that they believed were in the building.

⁴ Sections 100 – 107 of the Building Act set out the responsibilities relating to compliance schedules for councils and for owners of commercial, institutional and industrial buildings.

Most councils undertook inspections of passive fire systems, such as fire rated walls; however generally there was a reliance on installation certificates, commissioning test results/reports and producer statements to ascertain compliance on-site for most specified systems. Councils' reliance on such documentation is quite acceptable if the appropriate checks and balances are in place and are properly managed by the councils.

Performance issues	Number of councils affected	Recommendations
The councils' forms did not contain the required information as prescribed by the Building (Forms) Regulations 2004. For example, the PIM/ building consent application form (Form 2) did not allow for specified systems being altered or removed.	6	Ensure council forms are clear and capture all of the information required by the forms prescribed in the Building (Forms) Regulations 2004). For example, that the code compliance certificate (Form 7) acknowledges a compliance schedule is attached, when relevant.
Insufficient information relating to specified systems, including the inspection, maintenance and reporting of such systems, was being provided by the applicant/designer at the time of lodging the building consent application. ⁵	8	Ensure the applicant provides a proposed inspection and maintenance procedure for each specified system with the building consent application.
Councils did not determine during the building consent processing whether all the proposed specified systems complied with the Building Code.	9	Review and update building consent processing check-lists to ensure specified systems are assessed for compliance, and give reasons for decisions.

⁵ This information is required in order to make an informed compliance decision and falls within the definition of 'plans and specifications' under section 7 of the Building Act. It is the applicant's or designer's responsibility to provide the information for the compliance schedule.

<p>Building consents did not state if a compliance schedule was required or not. Only generic descriptions of the specified systems (eg, 'alarm system') were provided without their associated performance standards.⁶</p>	<p>6</p>	<p>Ensure building consents state whether a compliance schedule is required (or not), the actual types of specified systems (eg, Type 4 automatic fire alarm system with smoke detectors and manual call points) and the performance standards (including the standard's publication year).</p>
<p>Certification of installed specified systems was not requested as a condition of the building consent.⁷</p>	<p>9</p>	<p>State in the building consent what documentation will be required, in relation to the certification of specified systems during construction, before the code compliance certificate is issued. Such documentation would include commissioning results, test reports and third party certification from mutually agreed parties.</p>
<p>Specified systems not adequately considered or recorded by field inspectors during the construction phase.</p>	<p>2</p>	<p>Ensure field inspectors understand the requirements for specified systems during their inspections and clearly record their decisions and reasons for them, particularly around how compliance had been achieved during construction. Review and update inspection check-lists to include how each specified system has been inspected and that all documentation supporting this has been received.</p>

⁶ Refer to Section 51 of the Building Act and the prescribed Form 5 of the Building (Forms) Regulations 2004.

⁷ Refer to Section 90 of the Building Act in relation to inspections by building consent authorities.

<p>Compliance schedules and compliance schedule statements were being issued with the certificate for public use instead of with the code compliance certificate.⁸</p>	<p>2</p>	<p>Cease issuing compliance schedules and compliance schedule statements with certificates for public use, and initiate a process to ensure any specified systems are maintained and inspected during the period covered by the certificate for public use. Include an expiry date on these certificates.</p>
<p>Compliance schedule statements issued in lieu of compliance schedules for buildings with specified systems.⁹</p>	<p>2</p>	<p>Ensure all buildings that contain a specified system have a compliance schedule, as well as a compliance schedule statement.</p>
<p>Compliance schedules largely referred to the specified systems in generic terms only and often included features that are not specified systems under the Building Act and Regulations¹⁰ (eg, means of access and facilities for use by persons with disabilities). Often compliance schedules listed specified systems which had not been installed and/or omitted specified systems that should have been included.</p>	<p>7</p>	<p>Ensure compliance schedules accurately reflect the installed specified systems and contain site-specific information on what the specified systems are, and their particular inspection and maintenance requirements.</p>
<p>Considerable time was sometimes spent by inspection and maintenance personnel, including council enforcement staff, in locating some specified systems in the building.</p>	<p>6</p>	<p>Council should attach a plan to the compliance schedule showing means of escape, signage, passive fire protection, backflow prevention or other systems that may not be readily identifiable on-site.</p>

⁸ Section 102(1) of the Building Act requires a compliance schedule to be issued in certain cases.

⁹ Section 100 of the Building Act sets the requirement for a compliance schedule. The compliance schedule is the foundation document that establishes the inspection, maintenance and reporting procedures for the building's specified systems for the life of the building, to ensure building occupants are safe in the event of an emergency.

¹⁰ Refer to Schedule 1 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005.

Performance standards of specified systems were either irrelevant or omitted from the compliance schedule.	5	Ensure relevant performance standards are referred to in the compliance schedule and include the approval year of the standard.
Compliance schedules were often issued after the code compliance certificate, in some cases several months later.	2	Ensure a compliance schedule is issued with a code compliance certificate.

4.5 Building Act requirements – amending a compliance schedule

Objective

To examine a council's processes for amending compliance schedules.¹¹

Findings and recommendations

All councils reviewed had amended a compliance schedule under section 107 of the Building Act. However, more often than not there was no record as to whether council advised the owner of its intention to amend a compliance schedule as required under section 107(3).

¹¹ Section 45(1)(g)(ii) of the Building Act requires that if an amendment to an existing compliance schedule is required as a result of the building work, the building consent must list the specified systems that are being added, altered, or removed. Section 106 allows the owner of a building to apply for an amendment to a compliance schedule for the building. Section 107 allows a territorial authority to amend a compliance schedule on its own initiative after consultation with the owner.

¹² In response to this recommendation, a council suggested that the wording in section 103(1)(d) of the Building Act should be amended to clarify this position. The Department responded:

'The Department notes the Council's suggestion about changing section 103(1)(d). However, for this section to apply, the system in question must fulfil the definition of a specified system in the first place. Specified systems are prescribed in Schedule 1 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005. Systems or features that do not meet this definition are not specified systems for the purposes of the Building Act 2004.'

If the Council chooses to include such systems or features on its compliance schedules it should clearly state that they are not specified systems for the purposes of the Building Act 2004, or otherwise remove them from its compliance schedules.'

Performance issues	Number of councils affected	Recommendations
No public information available on amending compliance schedules.	10	Review and update public information to include specific information about amending compliance schedules.
No documented council procedure for considering amendments to compliance schedules.	2	Develop and implement a procedure for considering amendments to compliance schedules.
Amended compliance schedules included building systems and features from the Building Act 1991, which are not considered specified systems under the current Building Act (eg, safety barriers, fire hose reels).	4	When amending or updating a compliance schedule that includes features that are not specified systems under the Building Act 2004, these should be clearly identified on the compliance schedule as not being specified systems, or alternatively, removed from the compliance schedule. ¹²
No consistency in how processing staff have considered amendments to compliance schedules.	2	Ensure all staff consistently use the council's prompt/ check-list when amending a compliance schedule.

4.6 Building Act requirements – annual building warrant of fitness

Objective

To examine a council's building warrant of fitness system to determine if it has appropriate checks and balances to ensure building warrants of fitness are assessed appropriately.¹³

¹³ Sections 108 to 111 of the Building Act set out the particular responsibilities for building owners and for territorial authorities. The owner must ensure continued effective operation of the specified systems that are listed on the compliance schedule and demonstrate compliance by displaying a current building warrant of fitness in their building.

Findings and recommendations

In all cases the councils reviewed had processes that included sending reminder letters to building owners stating that their building warrant of fitness was due to expire. In many cases, a second reminder letter was sent once the building warrant of fitness was overdue.

All councils reviewed assessed whether the person providing the inspection and maintenance documentation with the building warrant of fitness was listed on the respective territorial authorities independently qualified persons register and practicing in their field(s).

Several councils had in place a building warrant of fitness inspection process.¹⁴ These systems often included decisions on the number of buildings inspected by councils based on the 'risk' of the building or on a time cycle (usually three yearly). The aim of this process was to inspect all building stock within their districts that have a compliance schedule within a specified time frame, but focusing on the buildings within their district that have a potentially higher risk. This method lets councils mitigate issues by inspecting higher risk buildings more often. This is considered good practice by the Department where the resource is available.

¹⁴ Section 111 of the Building Act entitles territorial authorities to undertake inspections of buildings that have a compliance schedule. Although not mandatory, the Department recommends that a reasonable sample group of buildings with specified systems are inspected each year to verify that compliance schedules and building warrants of fitness are accurate. This will also assist councils to fulfil their role as a territorial authority under section 12(2)(h) of the Building Act.

Performance issues	Number of councils affected	Recommendations
No documented procedure for the handling of building warrants of fitness.	7	Document council processes for managing the adequacy and appropriateness of information provided with each building warrant of fitness (for compliance with section 111(3)).
Building owners, tenants or occupiers were not aware of their compliance schedule and building warrant of fitness obligations.	7	Councils to provide information on owner inspection responsibilities (eg, to regularly check egress routes to final exits, to publicly display a building warrant of fitness, to keep compliance schedules in their recorded location, and to retain inspection records for two years).
Inconsistent assessment of building warrants of fitness by council staff.	7	Develop and implement a prompt/ check-list for assessing building warrants of fitness for correctness and compliance with the Building Act and Building Regulations.
The council did not fully enforce the provisions relating to annual building warrants of fitness as required by legislation. ¹⁵	6	Enforce the building warrant of fitness provisions by taking such actions as issuing notices to fix, issuing infringement notices or by prosecuting.

¹⁵ Refer to Section 12(2)(h) of the Building Act

The council chose not to use infringement notices as an enforcement tool against building owners who contravene building warrant of fitness requirements.	2	Adopt a policy that allows infringement notices to be issued for building warrant of fitness offences. ¹⁶
Did not inspect buildings with specified systems to check the accuracy of compliance schedules and building warrants of fitness.	5	Inspect buildings with specified systems, compliance schedules and building warrants of fitness.
Inconsistency in how building warrant of fitness inspections are undertaken and reported.	2	Review and update the building warrant of fitness inspection checklist.
Large backlog of buildings with expired or non-compliant building warrants of fitness.	2	Develop and implement a strategy to actively manage the number of expired or non-compliant building warrants of fitness.
Council issuing building warrants of fitness on council letterhead and on behalf of the building owner.	2	Council to cease the practice of issuing building warrants of fitness on behalf of the building owner.

¹⁶ Refer to Schedule 1 of the Building (Infringement Offences, Fees and Forms) Regulations 2007

4.7 Private cable cars (section 100)

Objective

To examine a Council's procedure for ensuring any domestic cable car within the district has a compliance schedule and how the Council has advised the general public of this requirement.¹⁷

Findings and recommendations

Out of the 10 councils reviewed, only two had private cable cars within their districts but most had procedures in place relating to this specified system.

As none of the four recommendations were of a critical, or common nature (two councils affected by two of the recommendations and one council for each of the remaining two recommendations), they have not been included in this report.

¹⁷ Sections 100 to 107 of the Building Act set out the particular responsibilities for building owners, territorial authorities and building consent authorities where a single household unit has a cable car attached to it or servicing it.

4.8 Independent qualified person register

Objective

To examine the appropriateness of a Council's policies and procedures for evaluating independent qualified persons' (IQPs) competency and their acceptance as IQPs.¹⁸

Findings and recommendations

The review identified that the operation of the IQP registers were undertaken at a regional level.

Performance issues	Number of councils affected	Recommendations
No agreed process between member councils on assessing IQPs and the use of the regional register.	10	Formally agree with other member councils in the regional group around the process used to assess IQPs and the use of the regional register.
No agreed process between member councils on how to deal with non-compliant IQP practices.	10	Agree on a formal process with all member councils on how to deal with non-compliant IQP practices.
IQPs assessed as competent by an appropriate accreditation organisation (eg, IANZ) are required to be reassessed by the regional group of councils.	3	Review and update the assessment process so that IQPs that have been assessed as competent by an appropriate accreditation organisation are accepted by the regional group of councils without the need for reassessment.

¹⁸ Section 438(2) of the Building Act sets out the transitional provision, until 30 November 2010, for independently qualified persons to continue to act in relation to specified systems, unless the Council's acceptance is withdrawn.

4.9 Human resources

Objective

To examine the resources available to the councils and how effectively these resources were being used.

Findings and recommendations

During the review period all reviewed councils were substantially meeting the legislative timeframes in the Building Act. However there were differing levels of enforcement activity being undertaken that may affect resourcing needs if workloads were to increase.

Generally, councils do not consider the compliance schedule and building warrant of fitness functions under the Building Act to be an organisational priority. Consequently, these functions are often under-resourced and under-funded.

Although current activity in the building sector is well down on the activity levels of two or three years ago, all councils need to be prepared for the inevitable recovery and the increase in workload for their building control staff. Councils 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 of the short supply of appropriately qualified people. All councils must consider ways to use existing staff more effectively.

Performance issues	Number of councils affected	Recommendations
Inadequate technical and administrative support resources in relation to compliance schedules, building warrants of fitness and any required enforcement action.	9	Ensure adequate technical and administrative support resources are available to ensure the council can fulfil its responsibilities.
Considerable number of buildings with compliance schedules that do not have a current building warrant of fitness or current compliance schedule statement.	2	Develop and implement a means of actively managing, and ultimately eliminating, the number of buildings with expired building warrants of fitness and expired compliance schedule statements.

4.10 Technical knowledge and ability of staff

Objective

To examine the technical knowledge and training of building control staff in relation to specified systems, compliance schedules and building warrants of fitness.

The specified systems for the safety of building users are often complex and these require a strong understanding and knowledge. Councils need to ensure their building control staff has the appropriate level of technical knowledge relating to compliance schedules, specified systems and building warrants of fitness.

Findings and recommendations

Generally more emphasis needed to be placed on the identification and assessment of specified systems and how the councils were assessing the technical knowledge of their building control staff.

Performance issues	Number of councils affected	Recommendations
Staff competency assessments did not include specified systems and other compliance schedule and building warrant of fitness matters.	9	Review and update the competency assessment process to include specified systems and other compliance schedule and building warrant of fitness matters.
Inadequate training provided to administrative, processing and inspecting staff in relation to specified systems, building warrants of fitness and compliance schedules.	8	Continue to upskill staff in specified systems, building warrants of fitness and compliance schedules.
Not all training is recorded on the individual's competency assessment matrix. Often after attending a training course, the individual's performance was not monitored and so was difficult to assess the effectiveness of the training given.	5	Monitor, record and evaluate the effectiveness of training given.
The majority of council processing and council staff did not have the necessary skills and knowledge level to assess specified systems.	4	Appoint technical staff (internal and external) who have specific skills in assessing specified systems.

4.11 Access to and storage of compliance schedule and building warrant of fitness documentation

Objectives

To examine a Council's record-keeping processes and facilities, including the access provided to the public.¹⁹

Findings and recommendations

All councils reviewed provided the public adequate access to compliance schedule and building warrant of fitness documentation as such no recommendations were made for this objective.

Performance issue	Number of councils affected	Recommendation
Documents, such as compliance schedules and compliance schedule statements, did not include copies of the signed documents.	2	Ensure documents associated with compliance schedules and building warrants of fitness are stored with the required information including authorising signatures and dates.

¹⁹ Sections 216 and 217 of the Building Act set out the broad record-keeping requirements for territorial authorities in regard to their building control functions. Territorial authorities are required to keep and make information available that is relevant to the administration of the Act, so that members of the public are able to be informed of their obligations under the Building Act and to participate effectively under the Building Act.

5 Acknowledgements

The Department would like to thank the territorial authorities involved in the technical review programme for their cooperation, time and input. One aim of these technical reviews is to work collaboratively with territorial authorities to improve their performance. This has been achieved and awareness in relation to compliance schedules and building warrants of fitness has been lifted. The findings and recommendations will benefit other territorial authorities and the building sector generally.

6 Further information and guidance

Other information and guidance from the Department includes:

- Compliance documents – these are one way compliance with the Building Code can be achieved. They are freely available at: www.dbh.govt.nz/blc-compliance-documents.
- *The Building Act 2004: Guide to exemptions from building consent requirements*. The purpose of these guidelines is to assist building consent authorities to deal with the changes to Schedule 1 of the Building Act 2004, that came into force on 16 October 2008:
www.dbh.govt.nz/UserFiles/File/Publications/Building/Guidance-information/pdf/guide-to-exemptions.pdf.
- *Guide to applying for a building consent (simple residential buildings)* – this booklet provides information about the issues to consider when applying for a building consent, and describes the minimum documentation that should be supplied with an application to demonstrate compliance with relevant clauses of the Building Code:
<http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Building-Act/guide-to-applying-for-a-building-consent.pdf>.
- *Guide to building consent amendments*. This document outlines the Department's expectations around notifying proposed variations to building consents, assessing those variations and making amendments to building consents:
<http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Guidance-information/pdf/guide-to-amendmnts-sept-08.pdf>.
- *Means of establishing compliance: alternative solutions*. This document contains guidance on how to use alternative solution proposals when applying for building consents. This includes the use and assessment of alternative solutions by building consent authorities:
<http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Guidance-information/pdf/alternative-solutions.pdf>.
- *A beginner's guide to resource and building consent processes*. It outlines the requirements of, and relationship between, the Resource Management Act and the Building Act. Jointly produced by the Department of Building and Housing and the Ministry for the Environment, it also shows where to get more detailed guidance on both Acts and their legal and process requirements:
<http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Building-Act/resource-and-building-consent-processes.pdf>.

If you have any Building Act questions and wish to speak to one of our advisors, please telephone 0800 242 243 and ask for the Consent Authority Capability and Performance Group.

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