

G05 Processing of Building Consent Applications

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1. INTRODUCTION

This Guide describes how the ORC complies with items contained within regulation 7(2)(d)(iv)(v) of the Building (Accreditation of Building Consent Authorities) Regulations 2006.

Building consent applications will be assessed for compliance with the building code (Section 49 of the Act). All clauses of the code shall be examined for applicability, and identified as not applicable where this is the case. Typically the NZSOLD Dam Safety Guidelines will be the means of demonstrating compliance with relevant parts of the code. The assessment will also have regard to any resource consents granted previously or being applied for, by the Otago Regional Council (ORC) or the regional authority (RA).

Consultants will undertake a regulatory review in accordance with the brief provided by the ORC and IPENZ Practice Note No.2. If the consultant discovers a matter of concern that lies outside the scope of the regulatory review then they shall immediately inform the ORC. The ORC considers this to be a professionally responsible approach to such a situation. It helps ORC satisfy the requirements of Regulation 17(A3).

Consultants will provide recommendations to ORC as to whether to grant or refuse to grant building consent applications. The ORC will make the decision on whether to grant or refuse to grant, and to issue or refuse to issue, building consents. The ORC does not delegate decision-making to the Lead Consultant.

ORC staff and the Lead Consultant shall never imply or create the impression that a building consent has been or will be granted (or refused) by the ORC prior to the person within ORC that has that authority making that decision.

The processes for engaging the Lead Consultant and management of the recommendation are in G06. The Lead Consultant carries out their work as part of an approved brief (two examples are saved into Objective).

They adopt their own processes for fulfilling the requirements of the brief, but do so in accordance with the relevant ORC technical guides ("G" series documents) and utilising ORC's checklists and forms (as well as its own) as appropriate.

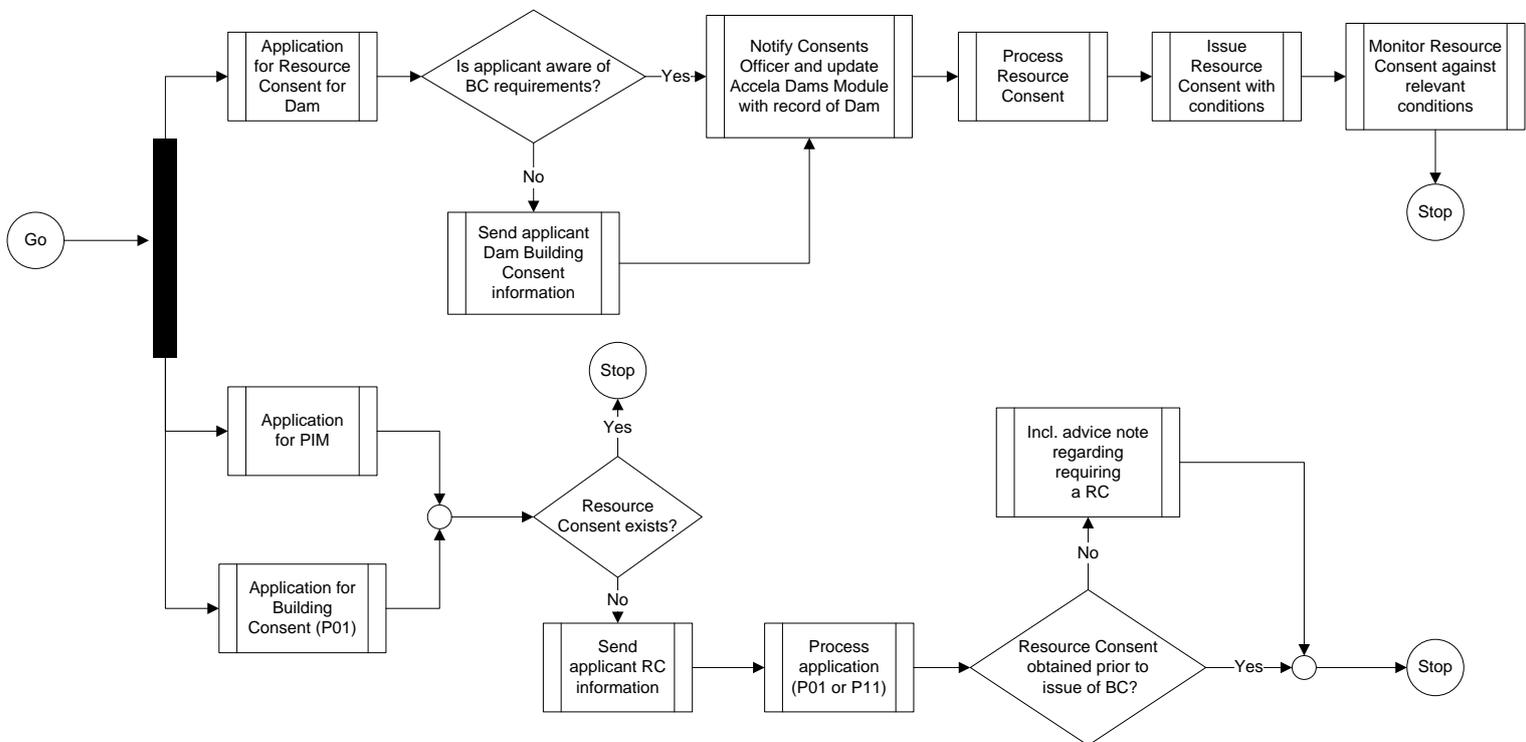
Requirements for producer statements are specified in G07.

2. MANAGING PROCESSING TIMES

The Consents Officer shall monitor the elapsed and processing time for each application against the statutory timeframe of 20 working days (Section 48 of the Act). **Particular care shall be taken to ensure that processing time is recorded accurately.** Time is measured from the date the application is 'accepted' (see G04). All subsequent suspensions and lifting of suspensions are entered into Accela by the Consents Officer to adjust the processing time against the statutory timeframe. The change in the status of the application and the Workflow as recorded in Accela is the record. The clock shall be started the next working day whenever information is received the "same day" by the ORC or the Lead Consultant in response to an information request.

3. LINKAGE WITH RMA PROCESSES

The detailed RMA processes are covered in other documentation of ORC. There will be linkages of information lodged in both processes, and applications for building consent must contain certain information on related resource consents (see G04). For ORC the Building Act considerations are explicitly linked with RMA considerations and processes, including by the certificate required to be issued under Section 37 of the Building Act. The linkages are shown in the following process map.



4. INITIAL ASSESSMENT BY CONSENTS OFFICER

The Consents Officer will receive the accepted application, appraise the application and create the brief for processing by the consultant as defined in G06 for the engagement and use of consultants. The brief shall be based on the two examples that have been saved into Objective and shall be customised to the particular application that is to be assessed. Matters to be addressed in the brief include the following;

- Specific design matters to be assessed;
- Inspection requirements;
- Estimated value of building work;
- Specific conditions of engagement;
- Duration of engagement and available processing period;
- Billing.

If at this stage the Consents Officer identifies further information is necessary, the Consents Officer may suspend the application. The Consents Officer will record the suspension and the reason for it in Accela. The processing time clock shall be stopped (as provided for under Section 48(2) of the Act).

If a PIM has not been applied for by the applicant or previously issued by the ORC or the regional authority (see G15) then the Resource Officer shall collate all relevant natural hazards information held by the ORC or the RA. This shall form part of the information to be assessed by the ORC's Lead Consultant.

The Consents Officer will assess whether the application needs to be forwarded to the New Zealand Fire Service Commission (Section 46 of the Act). If a New Zealand Fire Service Commission assessment is required, an explanatory letter relating to the application and copy of the project documentation shall be sent to the NZFSC. Under Section 47 of the Act the NZFSC has 10 working days from the date of receipt of the application in which to assess the application and advise ORC in writing. ORC shall monitor this timeframe and contact the NZFSC if information has not been provided and shall inform the applicant.

5. ASSESS APPLICATION FOR COMPLIANCE WITH THE BUILDING CODE

The Lead Consultant will assess the building consent documentation to ensure building code compliance is properly demonstrated in respect of the code. The Lead Consultant shall examine all code clauses for applicability. If the Lead Consultant has any doubt as to the adequacy of any of the information then they shall immediately inform the Consents Officer. The Consents Officer shall stop the processing time clock in Accela (see Section 2 above).

The assessment shall include sitework (as defined in the Act) and all appurtenant structures (as defined in the Act). The Consent Officer shall be consulted if there is any uncertainty, difficulty or concerns with applying the ORC's interpretation of the definition of appurtenant structures.

Care shall be taken to ensure the dates of issue of Compliance Documents that are referenced as methods of achieving compliance are current. Particular care is required to ensure manufacturer details or products that are nominated and proposed for use comply with the Building Code.

Other matters that require particular consideration by the Lead Consultant are as follows:

- **Plans and Specifications**

The Lead Consultant shall assess whether the plans (drawings) and specifications submitted with the application meet the requirement set out in Section 4(2)(q)(ii) of the Building Act 2004. Specifically, to assess whether the plans (drawings) and specifications are sufficient to result in building work that (if built to those plans and specifications) complies with the building code.

- **Producer Statements**

Producer statements received in relation to an application shall be assessed by the Lead Consultant to determine whether they are acceptable and appropriate in relation to the determination or

measurement required. **Only Producer Statements signed by a Chartered Professional Engineer in a relevant area of competency shall be accepted.** See also the requirements and comments in G07.

- **Alternative Solutions**

As the Building Code does not provide an Acceptable Solution for the design of dams, all dams are alternative solutions. The Lead Consultant will assess whether the alternative solution satisfies the provisions of the Building Code (Building Regulations 1992). If so, then the basis for the alternative solution's acceptance will be recorded. This is likely to be the NZSOLD Dam Safety Guidelines. Specific Code Clauses, objectives, functional requirements and performance criteria against which the solution(s) have been considered will be recorded. The Lead Consultant will also have due regard to relevant local and international good practice relating to the construction and commissioning of dams and their appurtenant structures.

- **Compliance Documents**

The Lead Consultant will ensure building consent applications that rely on Compliance Documents for demonstrating and achieving Building Code compliance are processed in line with the current version of the relevant compliance document (available on the DBH website). Care shall be taken to ensure the documents used are current and fit for purpose.

6. ASSESS APPLICATION FOR COMPLIANCE WITH BUILDING ACT 2004

As well as assessing compliance with the building code, the Lead Consultant shall ensure all relevant Building Act provisions are satisfied. The Lead Consultant will record assessment outcomes of the specific sections requiring consideration listed below, including:

1. Assessment of the dam's Potential Impact Classification (PIC) and, for the modification of existing dams, the effect of the building work on the PIC (refer Section 139(2) of the Act);
2. Implications of the ORC's policy on dangerous dams, earthquake-prone dams and flood-prone dams;
3. The conditions of any resource consents granted that are relevant to building standards;
4. Risks during construction (including safe routing of reservoir inflows) and commissioning and the adequacy of the commissioning plan;
5. Whether the plans (drawings) and specifications are sufficient to result in building work that (if built to those plans and specifications) complies with the building code (Section 4(2)(q)(ii));
6. Matters arising from the two PIMs (regional authority and territorial authority), if they have been issued (Section 31);
7. Specified systems (Section 51);
8. Matters arising from the New Zealand Fire Service Commission memorandum (Section 47);
9. Natural hazards (Sections 71 and 72);
10. Dams on two or more allotments (Sections 75-83);
11. Alterations to existing dams (Section 112);
12. Change of use (Sections 114 and 115);
13. Subdivision (Sections 114-116B);
14. Specified intended life (Section 113);
15. Extending the life of a dam with specified intended life (Sections 112, 113, 116);
16. Requests for modifications and waivers (Sections 67-70);
17. Public use premises (Section 363);
18. Access to dams by people with disabilities (Sections 117-120);
19. Energy work (Sections 43, 94 and 97);
20. Amendments (Section 45);
21. Warnings and bans (Sections 26 and 48).

Further details on some of these matters are provided below.

- **Potential Impact Classification (Section 139)**

The Lead Consultant shall assess whether the PIC has been determined and applied consistently. The

PIC is a critical determinant of the ongoing compliance requirements for the dam under Part 2, Subpart 7. A dam with a PIC that is claimed by the applicant to be "Low" shall be carefully checked to ensure that the assessment is robust.

Under Section 139(2) of the Act, a dam owner must review a dam's PIC if any building work that requires a building consent is carried out on the dam and the building work results or could result in a change to the potential impact of a failure of the dam on persons, property or the environment. This situation could arise, for example, with an application to modify an existing dam so that it can impound more water and hence have greater damage potential. The Lead Consultant shall determine whether the PIC must be reviewed by the dam owner.

- **Dangerous Dams and Earthquake-Prone and Flood-Prone Dams**

The ORC has a policy on dangerous dams, earthquake-prone dams and flood-prone dams, as required under Section 161 of the Act. The Lead Consultant shall have regard to the ORC's policy on dangerous dams in assessing the proposed building work and, where relevant, any existing structure that is being modified. If the Lead Consultant considers that the dam might be a dangerous dam then the Lead Consultant shall inform the Consents Officer who will then decide the course of action in consultation with the Director Engineering, Hazards and Science.

- **Matters arising from the Project Information Memoranda**

Under Section 31 of the Act (as amended by the Building Amendment Act 2009), a PIM is optional. If PIMs have been issued then they will be assessed to determine whether there are any Resource Management Act matters or on-site conditions that may affect the building work such as:

- known natural hazards
- building over public drains
- collection or disposal of storm water or sewerage
- installation or availability of services from network utility operators
- wind, earthquake or corrosion zones
- earthworks, spillage, etc
- development contribution.

When satisfied that all PIM information has been considered and properly addressed, the Lead Consultant will sign off this portion of the application. If a development contribution is required and has not been paid, its payment shall become a condition of building consent. It is noted that the PIM is based on the information held by the respective Councils. It is essentially a discovery process, informing the applicant as to what information, if any, is held by the ORC, RA and TA in relation to the matters specified under Section 35 of the Building Act. The absence of information on, say, natural hazards does not necessarily mean that the subject land is not exposed to natural hazards.

Further, information on matters such as natural hazards changes over time as a consequence of investigations programmes. Care needs to be taken to ensure that the information referred to on a PIM is not superseded during the course of processing a building consent, especially for applications that take some time to process.

- **Specified Systems**

The Lead Consultant will have regard to Sections 51(1)(c) and 51(1)(d) of the Act. The Lead Consultant shall check whether the specified systems described by the applicant are adequately defined along with the performance standards and inspection and maintenance for the specified systems that are required by the Building Code. The descriptions of performance standards and inspection and maintenance requirements shall comply with the Compliance Schedule Handbook published by DBH and available on their website. If any of these aspects are inadequately or incorrectly described by the applicant then the Lead Consultant will notify the Consents Officer and the ORC will suspend the application pending further information from the applicant (See Section 2 above regarding the processing time clock).

- **New Zealand Fire Service Commission notification**

If the New Zealand Fire Service Commission has provided a memorandum, the Lead Consultant will assess this information and determine whether the design work requires amending. If amendments are required then these will be discussed with the Consents Officer and the appropriate course of action will be implemented. The application will be suspended by the Consents Officer.

- **Natural Hazards (Sections 71-72)**

The Lead Consultant will have regard to Sections 71 and 72 and assess whether:

- the proposed building work will worsen or accelerate a natural hazard;
- adequate provision has been made to protect the land and/or other property from any natural hazard or restore any damage to that land or other property as a result of the building work;
- it is reasonable to grant a waiver or modification of the Building Code in respect to the natural hazard concerned.

In making this assessment the Lead Consultant will have regard to the PIMs, the natural hazard information contained in the Otago Natural Hazards Database and natural hazard information contained in the application. As noted above, the absence of any information held by the ORC (or the RA as the case may be) on natural hazards affecting the subject site does not necessarily mean that natural hazards do not exist.

- **Dam on two or more allotments (Sections 75 – 83)**

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

- it is identified that the dam is being constructed over boundaries of two or more allotments under the same ownership in fee simple, and;
- 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 regional 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).

The Lead Consultant will check that the regional authority has issued the required certificate and lodged a copy with the Registrar-General of Land.

If the necessary conditions set out in Section 75(2) have not been imposed and fulfilled, the Lead Consultant will notify the Consents Officer and the ORC may choose to suspend the application (See Section 2 above regarding stopping the processing time clock).

- **Alterations to existing dams (Section 112)**

A building consent authority may not grant a building consent for the alteration of an existing dam, or part of an existing dam, unless the building consent authority is satisfied that after the alteration the dam will:

- comply as nearly as is reasonably practicable with every provision of the Building Code that relates to:
 - means of escape from fire, and
 - access and facilities for people with disabilities, and
- will 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 regional authority may allow alterations other than in compliance with the Building Code providing it has given the owner written notice to do so.

If the dam is classified as an industrial building and is not open to the public, or does not employ more than 10 people, then the provision for disabled facilities need not apply.

If a building consent involves alteration to an existing dam and the plans and specifications do not demonstrate compliance with means of escape and accessibility provisions, the Lead Consultant will ascertain from the regional authority whether it has issued a notice permitting this.

If documents indicate less than full compliance and a notice from the regional authority has not been provided, the Lead Consultant will suspend the application and notify the Consents Officer. The applicant will be advised to either:

- obtain a notice from the regional authority allowing less than full compliance, or
- provide amended plans demonstrating full compliance.

- **Change the use of an existing dam (Sections 114–115)**

Before the building consent is issued by the building consent authority the applicant must provide written advice to the regional authority confirming their intention to change the use of the dam (refer to Section 114(2)(a)).

In this context, “change of use” refers to a situation in which the dam or its appurtenant structures are no longer used for the sole purpose of impounding fluid. A change in how the impounded fluid is used say from irrigation to hydro-electric generation, does not constitute a change in use in this context.

- **Subdivision of an existing dam (Sections 114–116B)**

Before the building consent is issued by the building consent authority, the applicant must provide a copy of the certificate issued under Section 224(f) of the Resource Management Act giving effect to the subdivision. This certificate is issued by the territorial authority that is charged with sub-divisional matters under the Resource Management Act.

In terms of Section 116A, where the subdivision affects the dam, the territorial authority is required to be satisfied on reasonable grounds that the dam will comply, as nearly as is reasonable practicable, with every provision of the Building Code that relates to one or more of the following matters:

- (i) means of escape from fire;
- (ii) access and facilities for persons with disabilities (if required under Section 118);
- (iii) protection of other property, and

will continue to comply with other provisions of the Building Code to at least the same extent as it did before the application for subdivision was made.

The applicant must provide written advice to the territorial authority confirming their intention to subdivide land that affects a dam.

- **Specified intended life (Section 113)**

Only a regional authority can grant a building consent for dams having a specified intended life of 50 years or less. The Lead Consultant will establish if the specified intended life nominated on the application form is realistic, giving consideration to determining whether the materials or systems specified will satisfy the durability provisions of the Building Code.

If the application involves alterations, an assessment of the existing structure may be necessary to determine whether existing elements or systems that are intended to be relied upon to satisfy structural or durability provisions have the requisite integrity to enable Building Code compliance to be achieved.

It is mandatory that the regional authority applies a condition that the dam be removed, demolished or altered on or before the end of its specified intended life. This is only applicable to building consents granted under Section 39(1) of the Building Act 1991 or Section 113(2) of the Building Act 2004.

- **Extending the life of a dam with a specified intended life (Sections 112, 113, 116)**

On receiving written notice that an owner intends to extend the specified intended life of a dam, the regional authority will consider whether:

- the application meets the conditions specified in the original building consent issued:
 - (a) Building Act 2004, Section 113(2);
 - (b) Building Act 1991, Section 39(1).
- the dam needs to be altered in accordance with Section 112(1);
- the number of years that the owner intends to extend the life for is realistic – this may require advice from the Lead Consultant).

If the dam requires alteration to satisfy the provisions of Section 112(1) and 112(2), the regional authority will advise the owner accordingly.

If the dam does not require alteration because:

- the regional authority is satisfied that the provisions of Sections 112(1) and 112(2) are complied with, or
 - the provisions of Section 112(1) are not complied with, but the regional authority deems that the provisions of Section 112(2) apply and that the dam does not require alteration
- in accordance with Section 116(3), the owner will be provided with written notice from the regional authority that permission to extend the life of the dam is granted.

If the provisions of Section 112(2) are applied, the Lead Consultant processing the request for an extension of specified intended life will document the reasons for being satisfied. All decisions shall be noted on the building consent records and the Dams Register, along with the reasons for the decision.

- **Requests for modifications and waivers (Sections 67–70)**

Only a building consent authority that is a regional authority can approve modifications or waivers to the Building Code. The ORC authority will notify the Chief Executive of MBIE in writing when it issues a waiver or modification to the Building Code. Only the Director Engineering, Hazards and Science, Director Policy, Planning and Resource Management and the Chief Executive have the delegated authority to approve modifications or waivers to the Building Code and to notify MBIE accordingly.

The building consent authority that is a regional authority must have due regard to section 4 of the Building Act 2004. In achieving the purposes of the Act, the building consent authority must take into account the principles that are relevant to the performance of functions or duties imposed by the Act (refer to Section 4.2(a-p)).

However, only the Chief Executive of MBIE can approve a waiver or modification to the Building Code for:

- an existing dam to which Section 118 applies, and
- access and facilities for use by people with disabilities.

If any part of an application for a building consent relates to energy work and involves the granting or refusal of a waiver or modification in relation to the building work, then the application will be referred to the regional authority who in turn must refer this part of the application to the Chief Executive of MBIE.

If a building consent application involves a modification or waiver to the Building Code, the Lead Consultant will determine if compliance with the Building Code can be achieved. The application is required to include:

- drawings
- details
- description
- explanation – what is the reason for the request, why it is unreasonable to comply, what are the mitigating factors?

The Lead Consultant will consider what the mitigating factors are and to what degree they will lessen compliance or non-compliance.

The Consents Officer will notify the Chief Executive of MBIE in writing of the waiver or modification. The record of this will be placed on the project file.

The Consents Officer shall ensure the waiver or modification is recorded in a manner that will warn the future owners of any implications that might be associated with the waiver or modification. The issue of a waiver or modification will be recorded in the Dams Register.

- **Public premises being occupied during construction (section 363)**

If the proposed building work relates to public premises and all or any part of the dam is intended to be occupied during construction or before work has been completed, the Lead Consultant will give careful assessment to the proposed construction method and the dam owner's management of the site.

The dam construction and site management method must enable the Lead Consultant to be satisfied on reasonable grounds that the dam can be safely occupied during construction. The construction methodology will clearly demonstrate how existing specified systems and means of escape will be maintained.

If the construction method does not satisfactorily demonstrate that occupant safety will be maintained, the application shall be suspended and the applicant contacted and requested to provide further information, or refused (See Section 2 above regarding stopping the processing time clock).

- **Access to Dams by people with disabilities (section 117-120)**

The Lead Consultant will use Schedule 2 of the Act to assess whether or not the structure is required to be provided with access and facilities for people with disabilities. If the dam is classified as industrial and no more than 10 people are employed, the requirement to provide facilities for people with disabilities does not apply.

If access and facilities are required, the Lead Consultant will identify if this is a new dam, an alteration to an existing dam, or a change of use, extension of life or subdivision and apply the relevant sections of the Building Act.

In all cases, while processing the building consent application, the Lead Consultant shall assess the plans and specifications to ensure compliance with the accessibility clauses of the Building Code is clearly demonstrated.

- **Energy Work (Sections 43, 94 and 97)**

The Lead Consultant shall assess if the dam work involves energy work.

In the event the building work relates to a dam which has an existing compliance schedule the Lead Consultant shall establish if the energy work affects the existing compliance schedule and whether the compliance schedule requires amending.

If the building consent relates to building work which requires a compliance schedule the Lead Consultant shall record the specified systems on the specified systems form. A condition shall be recorded requesting energy works 'Certificate of Compliance' be provided prior to the code compliance certificate being issued.

If the energy work relates to a specified system on a existing or new compliance schedule the Lead Consultant shall also request a 'Producer Statement – Construction or Construction Review', in addition to the 'Certificate of Compliance', order to be satisfied on reasonable grounds that the system has been installed and commissioned prior to the issue of the code compliance certificate. See G07 regarding Producer Statements.

- **Warnings and bans (Sections 26 and 48(3))**

A building consent authority may not grant a building consent for building work that could result in a person breaching a ban imposed under Section 26.

The Lead Consultant will check the warning and ban register on the MBIE's website (www.mbie.govt.nz) and ascertain whether proposed building products or methods included in the building consent application are affected by a warning or ban. If building work is affected by a warning or ban, the application will be suspended and the applicant contacted and advised to provide amended details that will achieve compliance.

- **Conditions of Consent**

Sections 73 and 90 of the Act contain provisions relating to conditions attached to building consents. Unlike the RMA, the ability to use conditions to control how the consent is exercised is very limited. The Department of Building and Housing advice (29 May 2009) in relation to Conditions of Consent shall be adhered to. That is, "*Conditions should not be imposed to make up for deficiencies in building consent documents received*". For example, the consent should specify the appropriate level of detail rather than quote that a certain design feature will be in accordance with the Building Code or a particular standard.

7. AMENDMENTS (SECTION 45(5))

Amendments (sometimes called 'variations') will be assessed on a case-by-case basis.

The Consents Officer shall determine the processing path for the amendment based on the guidance published by the DBH and shall distribute the amended information to the Lead Consultant for processing.

If the proposed building work relates to an amendment to an existing building consent, a copy of the original building consent and the two PIM (regional and territorial) will be assessed to determine the implications that the amendments will have on it. If a significant period of time has elapsed then information contained on the PIMs (if they exist) may be invalid.

When there are amendments to a previously issued building consent the time-frame for issue of the code compliance certificate will be reviewed and amended if necessary. If the amendments result in a change to the value of the proposed building work then fees and levies will be recalculated.

The Lead Consultant shall reassess inspection requirements, producer statements and/or conditions of consent to assess whether these are affected by the amendment. The Lead Consultant shall also consider whether associated resource consents are affected by the amendment and the provisions of the Resource Management Act as they relate to the jurisdiction of the ORC and/or the regional authority and/or the TA.

When satisfied that all required inputs have been obtained and assessed, redundant information and plans shall be marked as 'superseded'. This information shall be retained for record-keeping purposes on the consent file.

8. STAGED CONSENTS

Applicants may choose to have one overall application for a dam or process it in a number of stages. Staged consents shall be processed in accordance with the guidance given by MBIE (refer their website).

This will depend somewhat on the complexity of the dam and the construction method, but also may be determined by the applicant. The Lead Consultant shall assess the interdependency of the separate stages.

Staged consents are still individual consents, although similar information and linkages across the applications will be maintained. Accela's functionality will be used to ensure the links are appropriate.

9. FURTHER INFORMATION

When further information is required, the ORC will suspend the application and inform the applicant in writing as to the reason(s) for suspension. At this point the 20 day statutory timeframe is stopped.

Upon receipt of all the information from the applicant in relation to the suspension, the 20 day timeframe shall continue from the date the information was received by the Lead Consultant. The Lead Consultant will notify the ORC that the information has been received. The Lead Consultant is responsible for ensuring accuracy in the receipt of all information.

Copies of all correspondence in relation to the suspension shall be saved into Objective.

If the applicant refuses to provide the requested information then the Lead Consultant shall notify the Consents Officer and the Consents Officer shall decide a course of action in consultation with the Director Policy Planning and Resource Management or Director Engineering, Hazards and Science. The application shall remain suspended until the matter is resolved.

10. FORMALISE INSPECTION REQUIREMENTS

As part of completing the approval and compiling documentation, the Lead Consultant will advise the ORC on the nature of the evidence of compliance requirements such as the number of inspections required and assess whether there are any specific onsite inspection and commissioning requirements. The Lead Consultant will be responsible for ensuring that a consent-specific inspection process is designed and appropriate to ensure evidence of compliance will be able to be determined.

Aspects needing consideration will include:

- specialist inspections by technical experts;
- what measurements are required, their criticality to the determination of compliance, the accuracy and precision required of each measurement and the records to be provided by the applicant as evidence of compliance with this;
- confirmation of producer statement requirements like ground-bearing conditions or site observation; and
- whether any specialist equipment is required.

In regard to inspection requirements the Department of Building and Housing advice (29 May 2009) in relation to Conditions of Consent shall be adhered to. That is, "*conditions should not be imposed to make up for deficiencies in building consent documents received*". The DBH also advised that "*regardless of the information provided by a producer statement author, the building consent authority remains solely responsible for deciding it is satisfied on reasonable grounds that any building work complies with the Building Code and approved building consent*".

If it has been determined that a Lead Consultant (not necessarily the consultant that processed the consent, but an agent of ORC will be required) will undertake inspections, the following aspects must be agreed to before the consent is granted:

- the number and nature of inspections that are to be carried out and their timing (calendar, event or milestone based as appropriate);
- when records will be forwarded to the ORC i.e., within 24 hours of the inspection, or at the end of each month;
- the format that the records will be provided to the ORC in i.e., hard copy or electronic;
- the content of the records i.e., date, type of inspection, personnel on site, etc;
- attachments, i.e., photographs, producer statements, etc;
- what advice or communication is expected during construction in respect to inspections, etc (this will afford the ORC the opportunity to attend inspections if they wish); and
- how problems will be handled i.e., if information is not received or is unacceptable, or the owner's

design engineer fails to respond within reasonable time-frame, etc.

11. CONSULTANTS REPORT AND APPLICATION ASSESSMENT CHECKLIST

On completion of all processing, the Lead Consultant shall complete the Application Assessment Checklist and prepare a supporting Consultant's Report and forward these to the Consents Officer. The Report and Checklist shall make a recommendation to approve or refuse the application, as appropriate. The Report and Checklist provide the record of the reasons for the Lead Consultants recommendation to ORC and shall be "fit for purpose", having regard to the nature and scale of the building work that is the subject of the application.

The Report and/or Checklist shall describe how compliance with the building code has been achieved **for each and every code clause** and details of the **reasons** for the recommendations made. This checklist must be signed and dated with a statement confirming whether compliance with the building code and Building Act has been achieved. Where compliance has not been achieved, the Lead Consultant will document the reasons for recommending refusal and shall state the relevant clauses of the code. The Checklist and/or Report shall identify the drawings and documents checked by title, version, reference number and date.

Where measurements have been undertaken as part of the processing of the application, or are required to be gathered as part of the evidence of compliance, then the Lead Consultant will state what measurements are required, their criticality to the determination of compliance, the accuracy and precision required of each measurement and the records to be provided by the applicant as evidence of compliance with this.

The Lead Consultant will identify conditions that need to be applied to the building consent and identify inspection requirements. See also the comments earlier in this Guide regarding DBH advice on conditions attached to building consents.

12. ERROR IN PROCESSING

In the event that the Lead Consultant or Consents Officer discovers an error has occurred during building consent processing and this is identified after the building consent has been issued the Manager Consents will be advised. The Manager Consents will then determine the appropriate action to be taken, in consultation with the Director of Policy Planning and Resource Management or Director Engineering, Hazards and Science.

13. COMPLAINTS ABOUT PRACTITIONERS

In the event that the lead consultant has concerns about the competency or standard of work of any professional whose work is scrutinises or otherwise becomes aware of then they shall inform the Consents Officer of their concerns with supporting evidence. The Consents Officer shall raise the matter at the operational management review meeting (see M05). The Manager Consents shall then decide a course of action in consultation with the Director Policy Planning and Resource Management or Director Engineering, Hazards and Science. This forms part of the procedure for complying with Regulation 17(3A).