G04 Receiving and Accepting Applications for Building Consents and Code Compliance Certificates

Contents

1. INTRODUCTION

This Guide describes how ORC complies with items contained within regulations 7(2)(b)(c)(d) and (f) of the Building (Accreditation of Building Consent Authorities) Regulations 2006 in relation to receiving and accepting applications.

Building consent applications and Code Compliance Certificate applications are received by the ORC or the RA (West Coast Regional Council or Environment Southland) in person or in the mail.

All applications, irrespective of how they are received and which region they originate from (Otago, Southland or West Coast), will be checked at the ORC's Dunedin office by BCA Administration staff prior to being accepted to ensure there are no obvious omissions. This is an administrative check, not a technical check.

The ORC will only accept building consent applications and Code Compliance Certificate when satisfied that essential information has been provided, including drawings that are to construction standard. Plans (drawings) and specifications shall be sufficient to result in building work that (if built to those plans and specifications) complies with the building code. Because this check requires assessing that all technical details are provided for, this cannot be undertaken by a Consent Officer, rather the application can only be "accepted" once the lead consultant has deemed the application complete for processing. Applications are accepted by the Consent Officer however on the advice from the Lead Consultant. Applicants will be notified in writing that the application has been accepted or not accepted.

All applications, when received will be given a unique identification number prefixed DBA (formerly DAMBA) which is generated by ORC's electronic consent processing system, Accela. This number will be referenced on all future correspondence and documentation associated with the building consent application. A document file will be set up with the same unique identification number in the ORC Electronic Record Management System, Objective. When a Building Consent is issued a Code Compliance Certificate file will be created in Accela and an identification number prefixed DCCC assigned. The file This number will be referenced on all future correspondence and documentation associated with the Code Compliance Certificate application. A document file will also be create with the same unique number in Objective.

2. DEFINITIONS FOR RECEIVING AND ACCEPTING APPLICATIONS FOR BUILDING CONSENTS, CODE COMPLIANCE CERTIFICATES AND TIMEFRAMES

The following definitions are used by ORC to distinguish 'receipt' of a document from 'accepting' it as a valid application:

- Application Received: physical receipt of an application form. At this stage it is not confirmed whether there is sufficient and appropriate information to enable it to be accepted. The application is allocated or confirmed a consent number (identifier) within ORC's tracking systems.
- Application Accepted: The application is prima facie complete containing all information considered by the ORC to be necessary for processing to commence and can be accepted on the advice of the Lead Consultant.
- Processing clock. This is the tracking of the statutory timeframe. If an application is 'accepted' the processing clock commences on the date of 'receipt' of the application; paused when the application is 'suspended', re-started when the suspension is 'lifted', and stopped when the Consent is 'Granted' or 'Refused'.

Further relevant definitions are:

- Application Rejected: the Lead Consultant will provide a recommendation to the Consent Officer within the first three working days of an application being received whether an application is incomplete ad should not be accepted for processing. application does not include all essential information. The applicant is notified in writing that the application has not been accepted along with the reasons. Depending on the nature of the insufficiencies, the application will either be returned with remaining deposit or held by ORC for a short period for the applicant to provide the omitted information.
- Application suspended: the application has been 'accepted' but some clarification or further information is identified as necessary to enable it to be assessed. This stops the processing clock. The Consents Officer will update Accela showing that the application should be suspended and the status will be changed. Lead Consultant will advise Consents Officer if one is being used or Lead Consultant will advise BCA Administration staff that the Application should be suspended. This shall be done in all cases regardless of the likely duration of the response to the information request. This then provides more accurate processing times and more information about the quality of the applications received.

Application in process:

- Consent 'Granted' or 'Refused': when it is decided by ORC (not the Lead Consultant) that the application for consent can be granted or refused. This stops the processing clock. It is noted that, even if granted, the consent can still be withheld from the applicant until all fees and levies are paid.
- Consent 'Issued': when the consent is 'granted' and all fees and levies have been paid the consent can be issued.

Time clock records:

- Accela is used as the basis for managing the elapsed and processing time against the statutory timeframe of 20 working days (Section 48 of the Act). When establishing the consent in Accela, the date that the application is 'Accepted' is used as the system date.
- All subsequent suspensions and lifting of suspensions are entered into Accela to adjust the processing time against the statutory timeframe.

A change of any of the above statuses results in a change in ORC's consent processing system, Accela. This is the record of the status.

3. TRACKING TIMEFRAMES

It is important that all applications are managed through the process in a timely manner, and in compliance with the timeframe requirements of the Act. (For further guidance in tracking timeframes see Section 8 of this report).

Accela tracks statutory days that have lapsed for applications. The statutory counting clock can be turned on and off with time suspensions.

Tracking the statutory timeframes is generally the responsibility of the assigned Consents Officer, however a review of any current applications will be undertaken at regular Operational Management Meeting (see M05).

The Accela search can be reordered to show all applications by descending or ascending number of statutory days, or by the status of the application, by clicking on the parameter at the top of the page. Any underlined parameter can be re ordered.

The search can also be refined to a particular period if desired by selecting applications by date received under the historical work flow tasks (bottom right of search field).

For any record where statutory days are either counting down or not moving, select the record and click on the summary tab. The summary shows details of statutory and calendar days lapsed, and other information about the status of the application.

If required, clicking on the documents tab will open the Objective file if documents need to be checked.

Any application that is not moving or short on statutory days can be discussed with the job manager, who can be found by clicking on the record tab.

Processing staff are reminded of the need to manage workflows in a timely manner at BCA progress meetings, at the 6 monthly whole team meetings, and in personal performance assessments.

A screen shot of the Accela search is shown below:
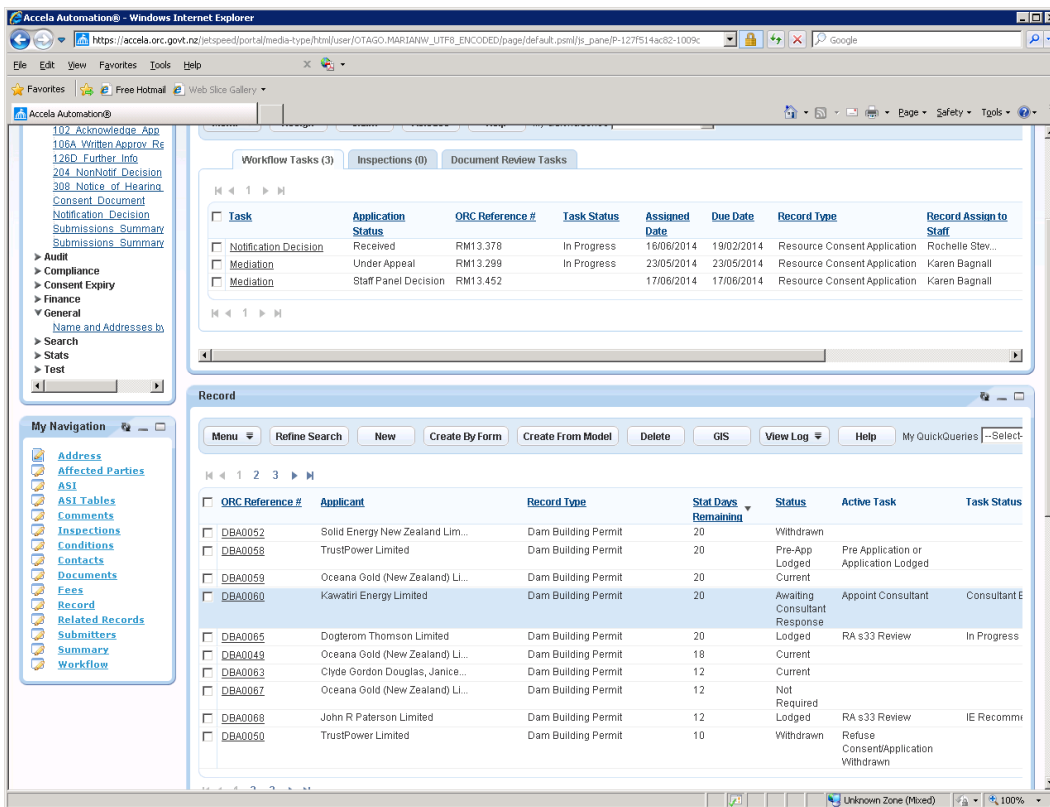
Along with tracking timeframes in Accela and Objective, current applications are displayed on a manual tracking board. The board is audited daily for progress on applications. This manual tracking board gives an indication of the statutory days remaining and the status of each application.

4.   PROCESS FLOW

Relevant Process: P01: Building Consents
Relevant Stage(s):   Application Received (ORC), Records set-up, Application Acceptance
Related Stages: Application Received (RA)
Primary Role(s):   BCA Administration Staff.
Other staff involved: Customer Services staff (at Dunedin, Queenstown or Alexandra offices or other RA's).

P01: Building Consent

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TITLE: G04 Receiving and Accepting Applications

RESPONSIBILITY: Manager Consents

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Otago
Regional
Council
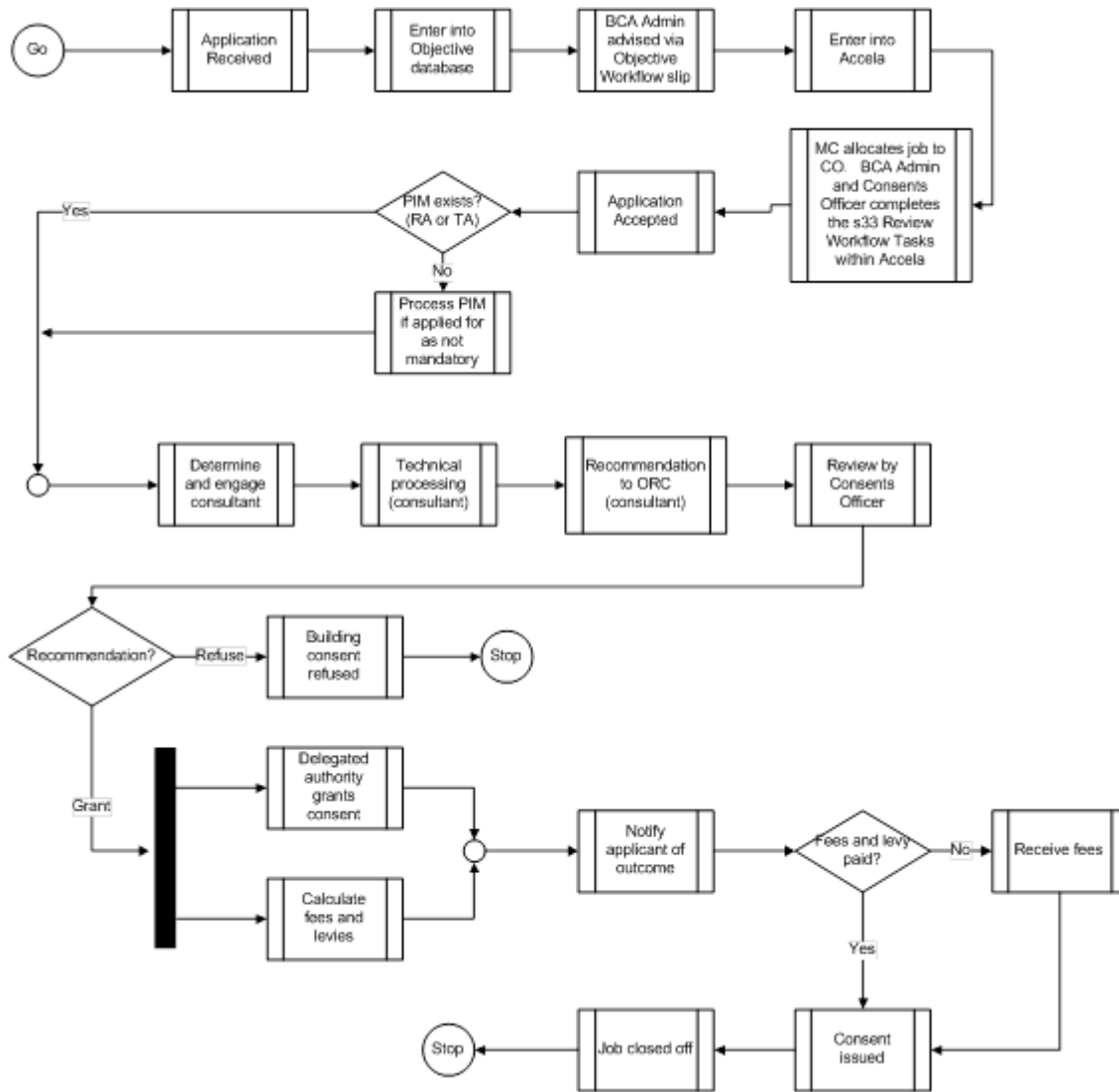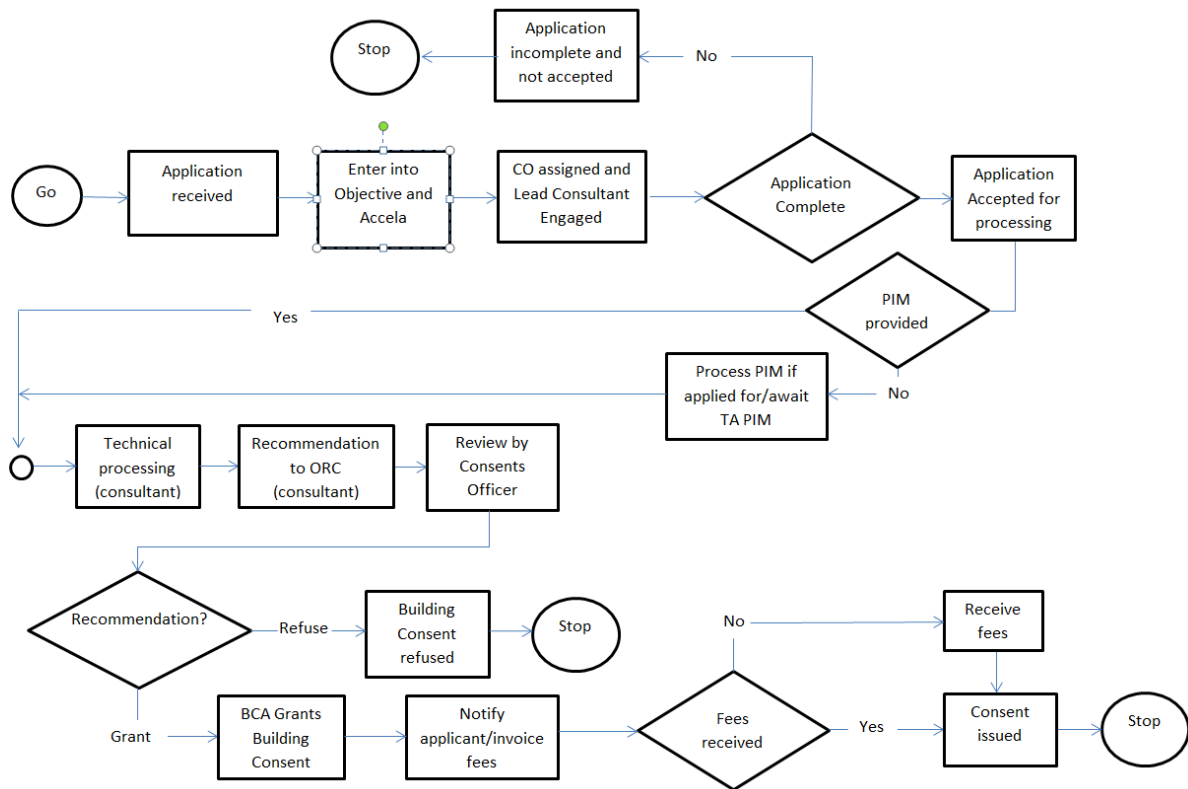
5.   APPLICATION RECEIVED AND RECORDS SET-UP

Tasks for Stage: Application Received (ORC):

Task description for Stage: Application Received– carried out by Customer Services staff, at Dunedin, Queenstown or Alexandra or other RA's office

Task	Notes	Record created
Date stamp	When received at the front counter, the Customer Services staff will date stamp as received at reception (on application form). Note this is recording when it is Received as correspondence not that it has been Accepted.	Application form
Record payment details	If payment is cash or eftpos, then confirmation of payment is attached to the application. For a cheque, copy front page of application and forward to ORC Finance for banking. Application now sent to ORC Records (Dunedin).	Payment receipt

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Application received notes

An application can be received:
- By mail;
- In person at the Dunedin Office;
- Electronically via email;
- In person at another ORC office; and
- By another Regional Authority for whom ORC has agreed to carry out BCA functions.
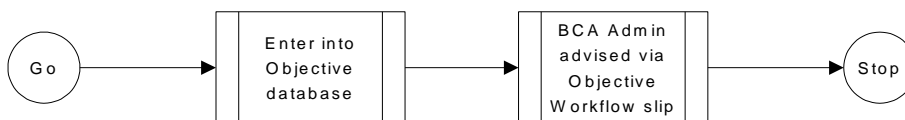
The applicant shall provide ORC with a completed application on the prescribed form (Form 2 – PIM and/or Building Consent application) and relevant supporting information as defined within ORC's public information.

When meeting with the applicant BCA Administration staff will explain the application process to the customer at the time of receipt. The following issues will be discussed with the applicant:
- Time-frames and legal requirements.
- Inspection points and requirements will be determined by the ORC during processing and specified as conditions of building consent.
- The option of applying for PIMs from the territorial authority and regional authority.
- Requirement for building consent to be obtained from territorial authority if the application involves other building work (buildings other than those defined as a dam – see G01).
- Explain that there are restrictive time-frames on the life of the consent such as 12 months to start work otherwise the consent lapses automatically, unless ORC has agreed in writing to an extension underline prior to the lapse date.
- Requirement for the ORC to follow up on work not completed within 2 years of commencing work and to make a decision within 2 years as to whether to issue a Code Compliance Certificate for the building work if completed.
- Requirement for premises accessible to the public to be approved before the building is opened (for example, if a public road traverses the dam). In this instance if a code compliance certificate is not obtained because work is not complete, a certificate for public use must be obtained from ORC.
- Resource Management Act approvals may also be necessary from the ORC or the RA, and/or the TA.
- Building work must not start before building consent is granted.

When receiving the application in person at either the ORC or at another RA, where there is clearly missing or inadequate information then it may be rejected immediately.

Tasks for Stage: Records Set-up

Task description for Stage: Records Set-up– carried out by Records staff

Task	Notes	Record created
Enter into correspondence database	Following the application being received, ORC Records staff scan the application and save it into the Pending Applications divider within Objective. Note there has been no decision to "accept" the application so it is treated as correspondence.	Record in Objective database. Objective ID assigned to application when saved.

Task	Notes	Record created
	The application is saved as Inwards Correspondence which will automatically trigger an Inwards Correspondence Workflow Slip. This is assigned to BCA Admin for actioning. Metadata details are recorded including the following: • Applicant details • Type of application • Directed to BCA Admin for action • Date received as correspondence • Date written When the application is saved a unique ID is assigned to the document which is used like a correspondence number was prior to the introduction of Objective.	
BCA Admin advised via Objective Workflow slip	BCA Admin action Objective Workflow slip.	

6.   APPLICATION ACCEPTANCE CHECK

Stage: Application Acceptance Check

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  ┌─────────────┐      ┌─────────────┐      ┌──────┐
  │   Notify    │─────▶│    Save     │─────▶│ Stop │
  │  applicant  │      │correspondence│      └──────┘
  │             │      │into Objective│
  └─────────────┘      └─────────────┘
        ▲                              No
        │                   ┌──────────────────────┘
        │                   │
  ┌──────┐   ┌──────────┐  ┌──────────────┐   ◇──────────◇
  │  Go  │──▶│Enter into│─▶│MC allocates  │──▶│Application│──Yes──┐
  └──────┘   │  Accela  │  │job to CO. BCA│   │ Accepted? │       │
             └──────────┘  │Admin and     │   ◇──────────◇       │
                           │Consents      │                       │
                           │Officer       │                       │
                           │completes the │                       │
                           │s33 Review    │                       │
                           │Workflow Tasks│                       │
                           │within Accela │                       │
                           └──────────────┘                       │
                                                                  ▼
            ┌──────────┐   ┌──────────┐   ┌─────────────┐
            │ Generate │   │Deposit   │   │Collate any  │
            │acknowledg│◀──│fees and  │◀──│pre-         │
            │ment for  │   │issue     │   │application  │
            │applicant │   │receipt   │   │material     │
            └──────────┘   └──────────┘   └─────────────┘
                                │
            ┌──────────────┐    │
            │Notify        │    │
            │originating RA │◀──┘
            │that consent  │
            │accepted and  │
            │send copy of  │
            │docs to       │
            │relevant RA's │
            │and TA's      │
            └──────────────┘
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Task Description for Stage: Application Accepted – carried out by BCA Administration

Task	Notes	Record created
Enter into Accela	Creates new record in Accela with any related consents required including a new Dams Structure record which forms the Dams Register. See Section 6 below for more detail.	Objective file is created and link to application is sent to Records requesting them to move it to new file. Job Number automatically created in Timesheet and in Finance SUN systems.
The Manager Consents allocates the application to a Consents Officer. CO engages Lead Consultant. Lead Consultant first assesses that the application is complete for processing and advises CO. BCA Admin and CO completes the s33 Review Workflow Tasks within Accela as per advice from the Lead consultant	Lead Consultant is given three working days to assess the application for completeness. Job confirmation checklist will be returned if deemed complete for processing. "Can we Accept?" Checklist (built into the s33 Review Workflow Tasks within Accela) is completed (using guidance notes below) as per recommendation from Lead Consultant	Completed job confirmation checklist.
Application Accepted	Decision recorded within s33 Review Workflow Tasks and via statuses of the Tasks. Time clock starts the working day that the complete application was received.	
Identify if Heritage New Zealand Pouhere Taonga require notification under Section 39	If an application for building consent has the potential to affect a place or area identified on the New Zealand Heritage List/Rarangi Korero, the CO will notify Heritage NZ Pouhere Taonga with via email and post of the application.	Letter created in Objective that is to be sent to Heritage NZ Pouhere Taonga that outlines the reason for notification and details of application. Email correspondence is saved into objective.
Collate any pre-application material	If there has been any pre-application consultation or relevant material e.g. PIM, Resource Consent etc.	Save into Objective file
Deposit fees and issue receipt	See G13 for fees & levies. Raise invoice & match with deposit. Produce receipt.	Copy invoice and receipt into Objective file.
Generate acknowledgement for applicant	Use standard template. Attach receipt.	Save into Objective.
Notify originating RA that consent accepted	Email to alert RA that consent has been accepted.	

Task	Notes	Record created
Send copy of docs to relevant RA's and TA's		Store cover note as outwards correspondence in Objective.
If Application Accepted = "No":		
Enter into Accela	Creates new record in Accela with any related consents required including a new Dams Structure record which forms the Dams Register. Application is assigned to Resource Officer so they can track progress. See Section 6 below for more detail.	Objective file is created and link to application is sent to Records requesting them to move it to new file. Job Number automatically created in Timesheet and in Finance SUN systems.
BCA Admin and CO completes the s33 Review Workflow Tasks within Accela	"Can we Accept?" Checklist (built into the s33 Review Workflow Tasks within Accela) is completed (using guidance notes below) as per recommendation from Lead Consultant	
Application Not Accepted	Decision recorded within s33 Review Workflow Tasks and via statuses of the Tasks.	
Notify Applicant	Generate letter for applicant informing them consent is not accepted with brief reasons as to deficiencies (<u>not</u> to propose design solutions). If the Consent originated from another RA notify them also that the application has been rejected.	Letter stored in Objective – linked to original application.
Complete Workflow Tasks in Accela	Workflow Tasks are completed and Invoice Task is assigned to Finance so applicant can be invoiced.	
File Correspondence	Includes checklist within Accela, and any other file notes or correspondence generated in assessment. Reasons for rejection must be included on Comments Section s33 Review Workflow Task within Accela.	Store in Objective.

Checking to see whether an Application can be 'accepted'
The BCA Administration staff and Consents Officer will assess whether the application can be 'accepted'. This is not a technical check for compliance with the Building Code, but to ensure the applicant has provided adequate information to allow processing to commence. **Accela identifies the information that is essential and must be provided to the ORC before the application can be accepted.**

The vetting process shall include, but not be limited to, the following checks:
- The application has been made by the owner (or their agent) of the fee simple land. This shall be verified with a certificate of title. Owner means entitled to the rack rent from the land or would be entitled to the rack rent if the land were let to a tenant at a rack rent, and includes:
  o conditional or unconditional agreement in writing to purchase the land, or;
  o conditional or unconditional agreement in writing to purchase any leasehold estate or interest in the land.
- The application form has been completed in full, including:
  o Legal description;
  o Name of dam (if applicable);
  o Physical address of the dam;
  o Name of owner and contact details (postal, phone, mobile, fax and email);
  o Name of owner's agent and their contact details (postal, phone, mobile, fax and email). Written authorisation from the owner is also required to support the application;
  o Signature of the applicant and date of application;
  o Description of the building work;
  o The intended life of the dam if less than 50 years;
  o The value of the building work on which the building levy will be calculated including all goods and services to be supplied for the building work (see G13);
  o Details as required if this is a combined application (PIM and building consent);
  o Details of all related Building Act and Resource Management Act approvals (e.g. building consents, land use consents, discharge permits, etc) that are held by the applicant (i.e. have already been granted by the regional authority **including the ORC**, and territorial authority) or have been applied for previously or concurrently from the regional authority (**including the ORC**) and the territorial authority;
  o **Plans and documents to construction standard and versions that are suitable for construction. They must not be annotated "not for construction", "Draft" or similar. Plans (drawings) and specifications shall be sufficient to result in building work that (if built to those plans and specifications) complies with the building code (Section (4)(2)(q(ii) of the Act).** An additional set of plans, specifications and a fire report will be required for applications that are to be submitted to the New Zealand Fire Service Commission, who will retain this set of documents for their records. This may be identified by the applicant and be included – otherwise this will not be picked up until the technical assessment (either by the Consents Officer or the Lead Consultant;
  o **Plans and specifications are complete and provide sufficient detail;**
  o A schedule listing each of the documents (e.g. each plan making up a set) that make up the application with the document title, date, version number and originator;
  o A copy of the PIMs, from both the territorial authority and regional authority (if applicable); and
  o Sufficient detail is provided in relation to Natural Hazards on the site and where applicable assessment against Section 72 of the Act.

  Where possible the BCA Administration staff may enquire or check that the following are included, but are not expected to check that these are required or adequate from a technical perspective:
  o Detail of the Compliance Documents being used as a means of complying with each of the listed Building Code Clauses, or details of the alternative solution that is being used for the relevant Building Code Clause;
  o Nature of any waiver or modification to the Building Code that is included in the application and details of it;
  o Details of stages, if a staged consent is involved;
  o A list of all specified systems in the building when a compliance schedule is required, and the description of the performance and maintenance standards for the specified systems that are required by the Building Code;
  o A list of all specified systems for the building where the proposed building work would result in the alteration, addition, or removal of any specified systems included in an existing compliance schedule

and description of the performance standards for the specified systems that are required by the Building Code;

o A copy of any development contribution notice and any resource consent notice (Sections 36 and 37).

Any additional documents received or created will be saved into Objective under the consent number.

Both BCA Administration and the Consents Officer must complete their aspects of the checklist which is recorded against the appropriate s33 Review Workflow Task in Accela.

Applications originating from an ORC office other than Dunedin

The Application can only be "received" by BCA Administration and/or the Consents Officer, who are present only at the Dunedin office. Other offices will only carry out the steps listed under "Date stamp" above.

Applications originating from another RA

Other RA's will be asked to encourage applicants to send applications directly to ORC. However on occasions, applications may be presented to another RA where ORC has agreed to accept a transfer arrangement relevant to this application.

The tasks carried out by another RA are the same as applications originating outside ORC's Dunedin office (see above).

If there are any issues arising the RA or applicant may deal directly with the ORC. ORC expects the RA to keep records of any applications presented to it.

ORC does not regard any checks that the RA may or may not have carried out as binding or relevant to it. ORC will still carry out its own assessment (as above) when it is in physical receipt of an application.

Accept application or request further information

When the application and documentation is verified as complete, and the appropriate deposit and service charge have been paid, ORC shall accept the application and generate an acknowledgement for the applicant. Both the deposit and the service charge are required.

If applicable, the originating regional authority shall be notified in writing that the consent application has been accepted.

If the application is not accepted ORC shall provide the applicant with written reasons as to why and how the application is deficient. The ORC shall not provide advice to the applicant on potential solutions to technical issues (such as apparent design deficiencies).

Upon issuance of the Building Consent ORC, in accordance with Section 51 of the Act, must provide to the applicant all relevant information from the Territorial Authority (TA) relating to the Building Consent. This information may include but not be limited to:

- A Project Information Memoranda (PIM) for any building work relating to the consent;
- A development contribution notice under section 36 (if any);
- A certificate issued under section 37 (if any);
- Contain confirmation that Heritage New Zealand Pouhere Taonga has been notified under section 39 (if applicable)

In the event that the TA does not provide ORC with the information identified above to be provided to the applicant, ORC may proceed with the issuance of the consent without the information, in accordance with Section 51(3) of the Act. However, in accordance with Section 51(4) of the Act, ORC must provide the applicant with the relevant TA information following the issuance of the consent once that information has been received from the TA.

Deposits, service charges, fees and levies

The deposit and service charge are to be paid by the applicant and receipted (refer G13). Details of ORC fees and charges are provided in the public information section of the LTP or Annual Plan.

The MBIE levy will be payable by the ORC 1 month after the consent has been granted. If a deposit and service charge only are received, ORC will ensure the consent is not issued until full payment of the levy and any other fees are received.

Payment details shall be recorded into ORC's financial system.

7.   ENTERING THE APPLICATIONS INTO THE BCA'S BUILDING CONSENT PROCESSING SYSTEM ACCELA

Following the receipt of the application the BCA Administration staff will carry out the following:
*   Create the entry into Accela generating the consent number;
*   Assign the application to the Consents Officer for them to complete their part of the s33 Review;
*   Complete the BCA Administration staff s33 Review using the checklist incorporated into the Workflow Task;
*   Once determined that application is acceptable by both BCA Administration Staff and Consents Officer, workflow is updated and the Resource Officer continues to process the application. See G05 for further details.

8.   MANAGING & TRACKING TIMEFRAMES AND WORKFLOW

Careful management of timeframes to ensure Building Consent applications and Code Compliance Certificates are processed within Building Act statutory time is imperative. It is important that the Consents Officer ensures that workflows are managed and accurate records are maintained showing where an application is within the workflow and that time keeping clocks are stopped and started appropriately. As a general rule the following process should be followed:

1   The application is received by ORC and reviewed for administrative completeness by the Consents Officer. This review should be completed in one day and if considered to be satisfactory referred to the Lead Consultant. If the application is considered to be incomplete it should be returned to the applicant with an explanation.

2   The Lead Consultant will review the application for technical completeness. This review should be completed within no more than three working days unless otherwise agreed. If the Lead Consultant is satisfied that there is sufficient information to begin processing the application the Consents Officer will be advised and the processing clock will be started the working day that the complete application was received. If the Lead Consultant considers the application to be incomplete the Lead Consultant shall inform the Consents Officer immediately and provide an explanation. The application will be returned to the applicant with an explanation by the Consent Authority.

3   The Lead Consultant should complete their recommending report within eight working days unless otherwise agreed. If during processing the regulatory review (recommending report) the Consultant requires further information the Consents Officer shall be advised immediately and the clock stopped. When further information is received to the satisfaction of the Consultant the Consents Officer shall be advised and the clock restarted. Once the recommending report is complete it shall be sent (emailed) to the Consents Officer.

4   On receiving the Lead Consultant's report the Consents Officer will prepare a recommendation and Building Consent (if the recommendation is to grant) for the Delegated Officers consideration and signature. This shall be completed within <u>five working days</u>.

5   The Delegated Officer shall complete their review of the recommendations and Building Consent within <u>three working days</u> and provide the Consents Officer with a signed copy of the Building Consent decision.

The above process is illustrated below

TRACKING TIMEFRAMES