

Building Services

This section contains performance information for the Building Services department.

Introduction

The Building Services Department consists of two teams, the Building Consent Authority (BCA) and the Territorial Authority (TA). A territorial authority must perform the functions of a BCA for its own city or district. In addition to these responsibilities, a territorial authority performs the following functions, including any functions that are incidental and related to, or consequential upon these.

The BCA perform the following functions:

- issue building consents
- inspect building work for which it has granted a building consent
- issue notices to fix
- issue code compliance certificates
- issue compliance schedules



A territorial authority issue:

- project information memoranda
- certificates of acceptance
- certificates for public use
- compliance schedules (and amends compliance schedules)



A territorial authority also:

- follows up and resolves notices to fix
- enforces the provisions relating to annual building warrants of fitness
- performs functions relating to dangerous or insanitary buildings
- determines whether building work is exempt under Schedule 1 from requiring a building consent



Power to inspect and enter land

- Sections 222 to 228 provide details of the powers of entry to undertake an inspection

Building Services Executive Summary – July 2022

The BCA have started the new fiscal year with a solid performance of 100%. Building consent figures are down 13% for the same month last year and 8% down on the four-year average. Code compliance certificates compliance is 100% for July with issued CCC down 5% on last year and 8% down on the 4-year average.

Average days to issue building consent and code compliance certificates were 10 and 6 days respectfully.

The BCA is tracking well with its internal audits and looks forward to the IANZ audit in October this year.

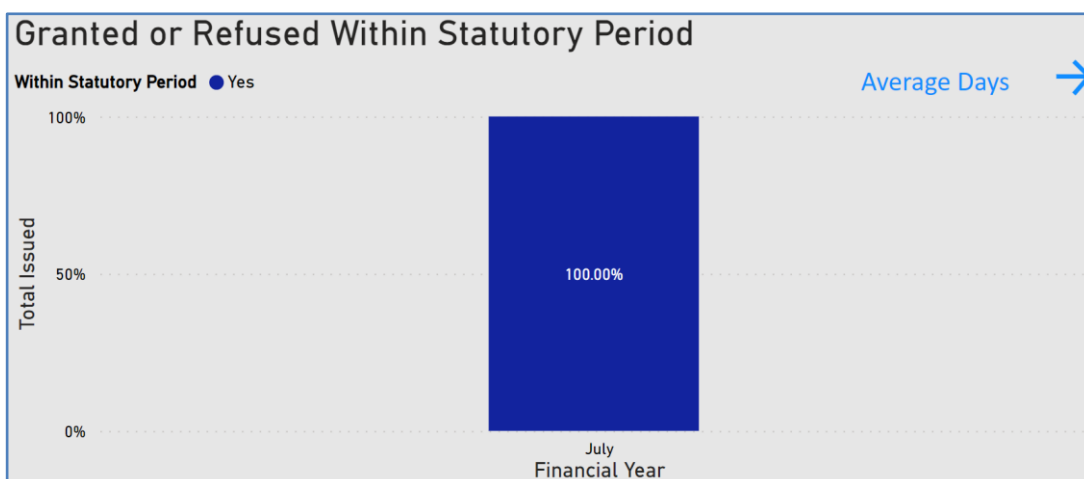
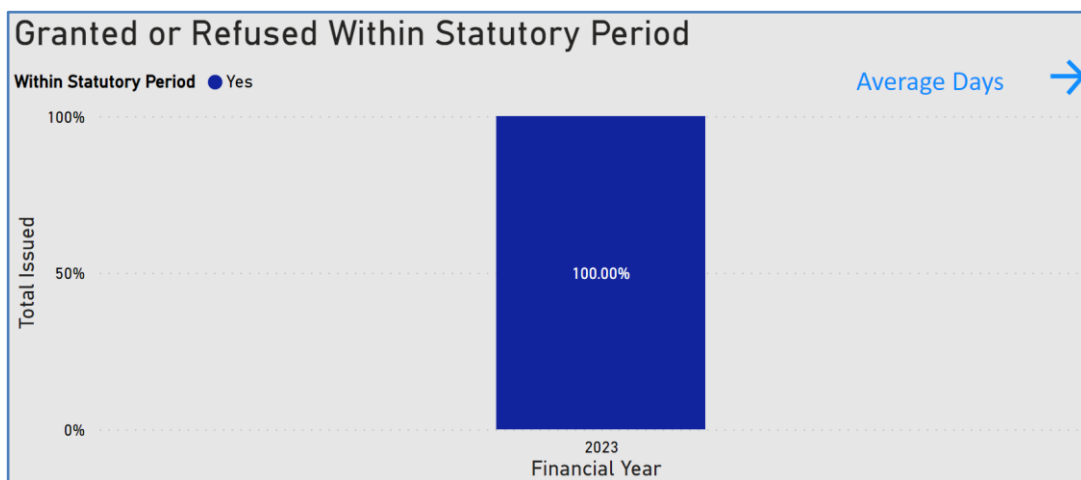
The building controls industry is facing an unprecedented shortage of staff, with experienced staff shopping around for the most favourable employment conditions. On-going performance for the BCA will depend on its ability to attract and retain experienced staff.

Areas of concern are the availability of favourable applicants for technical roles and the ongoing reliability of the BCA administrative function. This has been registered on the BCA risk schedule and measures have been put in place to monitor the function leading into the upcoming audit as this puts the overall compliance of the BCA at risk.

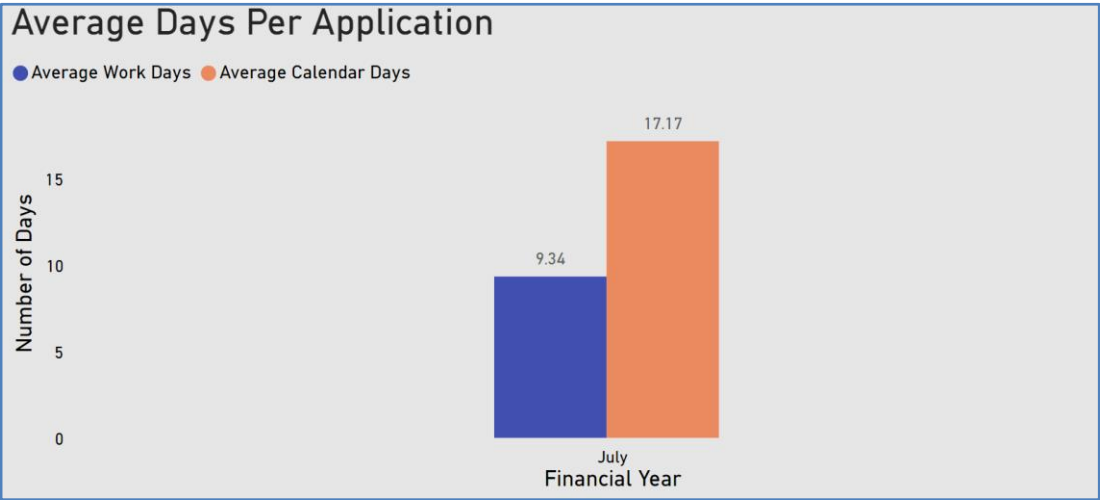
The building compliance team stats for the month of July against July figures for the last two years, show RFS were lower, pool inspections were exceeded, BWoFs on par, NTF's on par, CoA 80% less, with 3 infringements issued.

Levels of Service

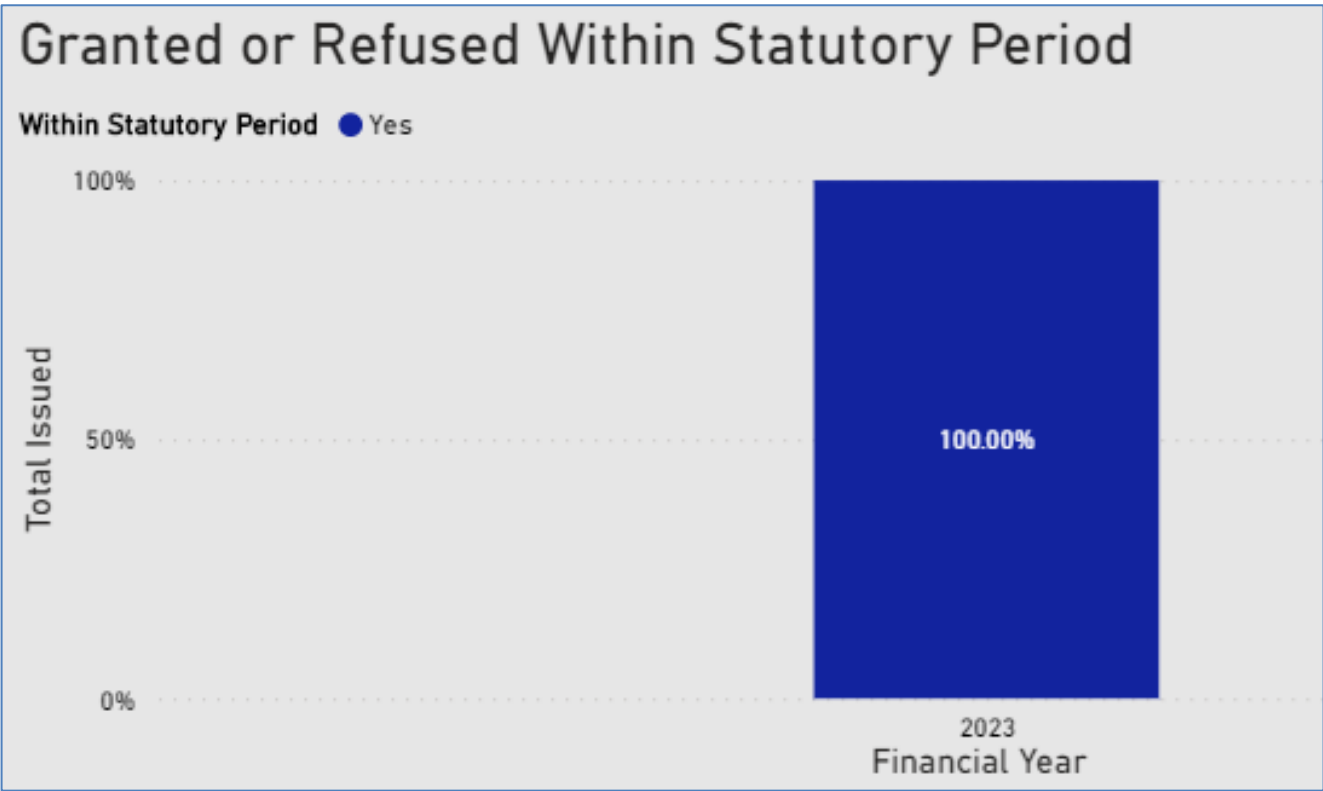
Building consent processing has achieved 100% compliance for the first month of the 2023 Fiscal Year. 89 consents were granted, compared to 1435 consents granted in July last year

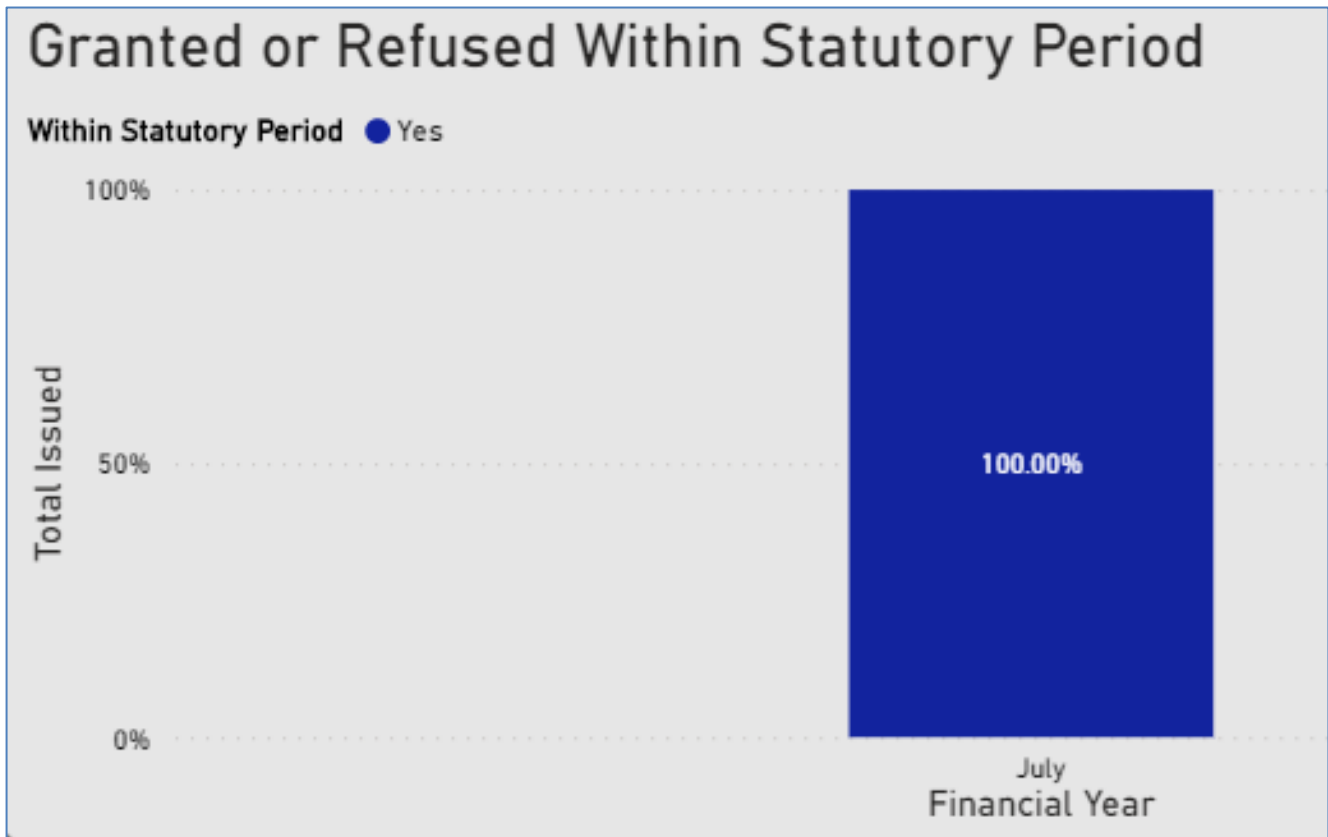


In July there was a marginal increase in average statutory days and a further decrease in average calendar days to issue a building consent. An easing in consent application numbers is helping but generally the improvements that have been continually implemented are paying dividends. Average statutory and calendar days for consents to be issued in July 2022 were 11.32 and 35.27 respectively. This represents a significant improvement in the customer experience.

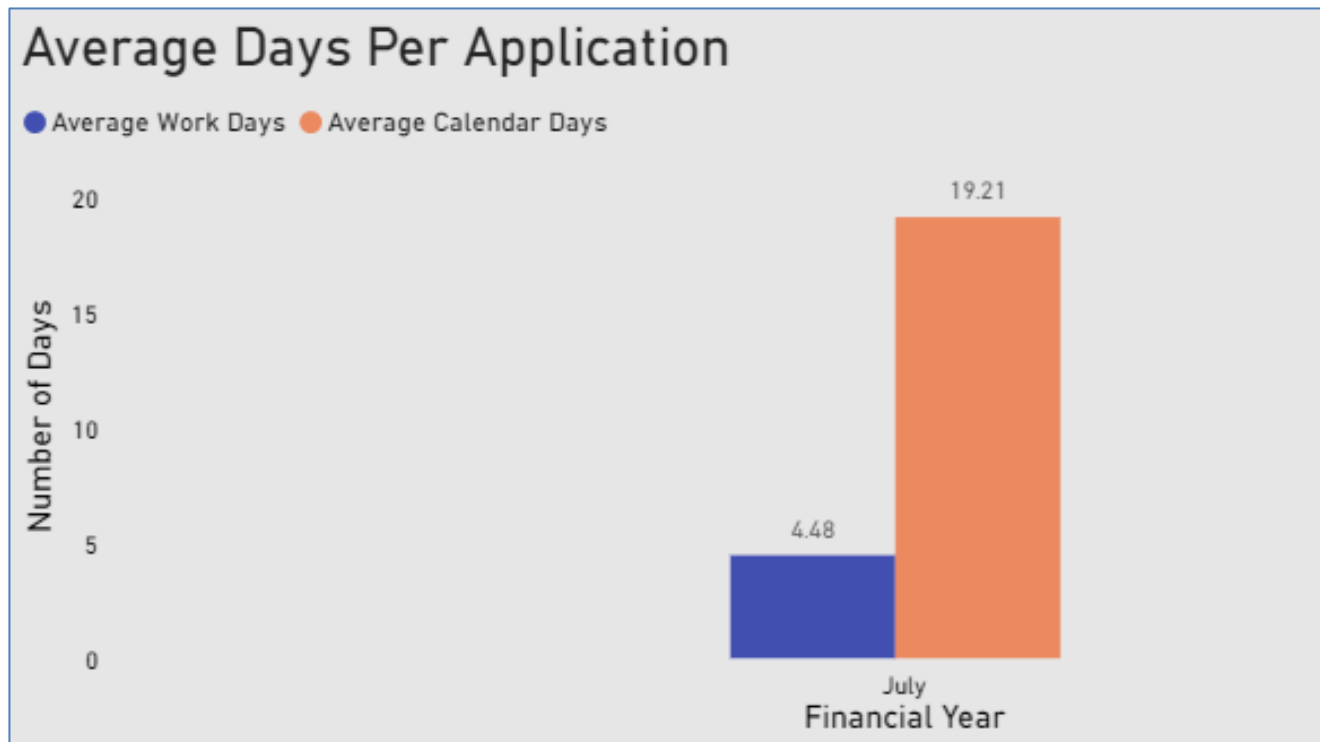


The BCA has achieved a 100% compliance rate for the month of July for issuing code compliance certificates. A total of 79 certificates were issued. This is a significant decrease in the amount of CCC's issued in the same period last year when 133 were issued.

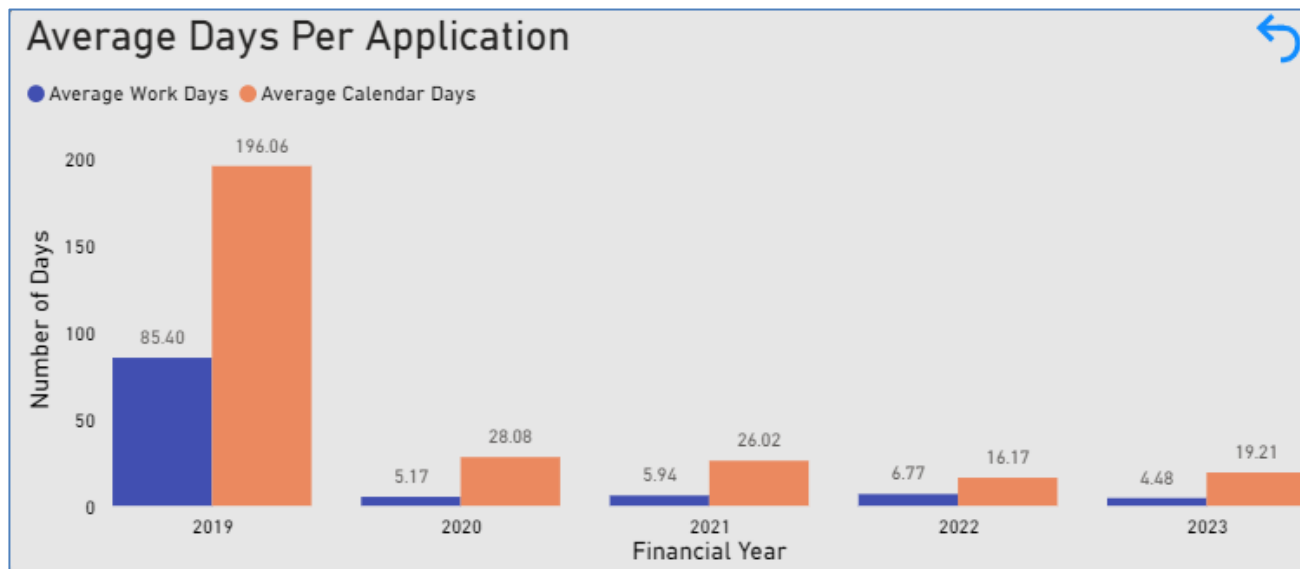




On average CCCs for July were issued in 5 Days.

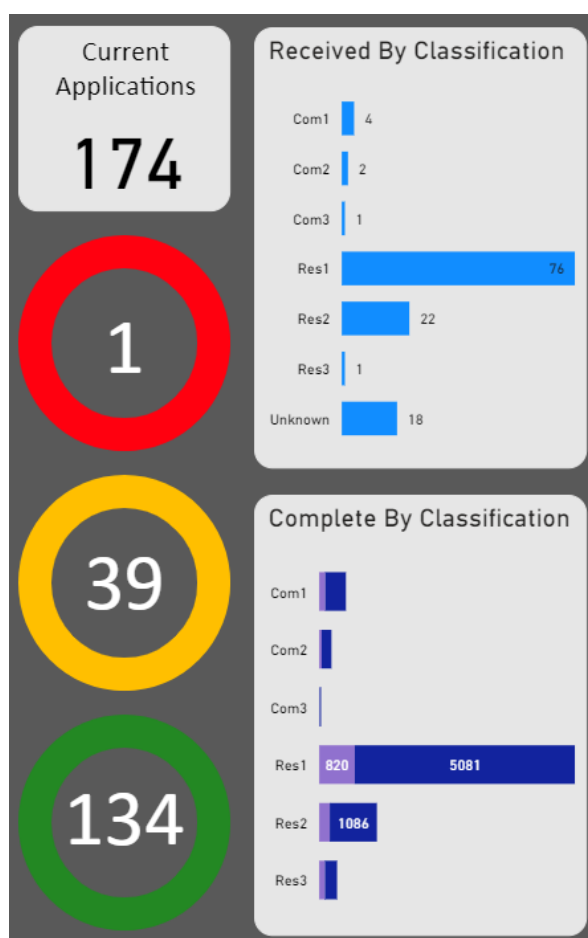


The BCA's performance in issuing Code Compliance Certificates illustrates continuous improvement. Calendar days were marginally higher than for June due to a reduction in staff availability.

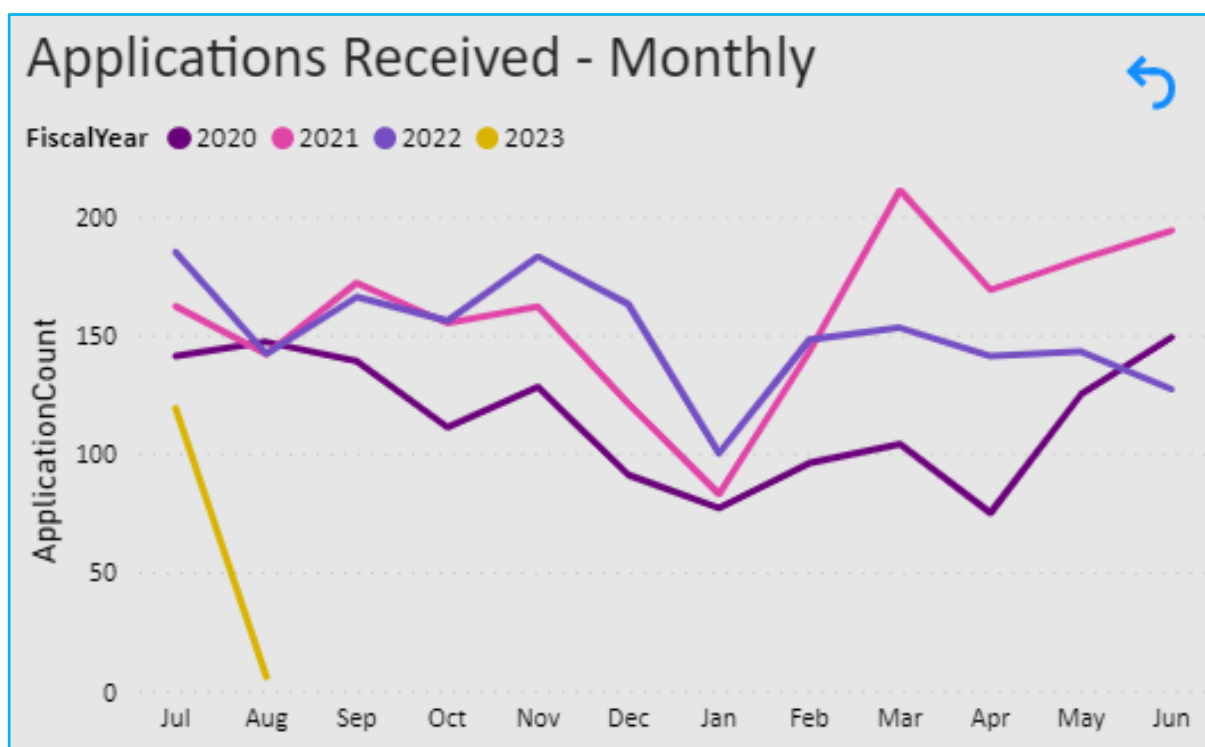


Building Consent Authority

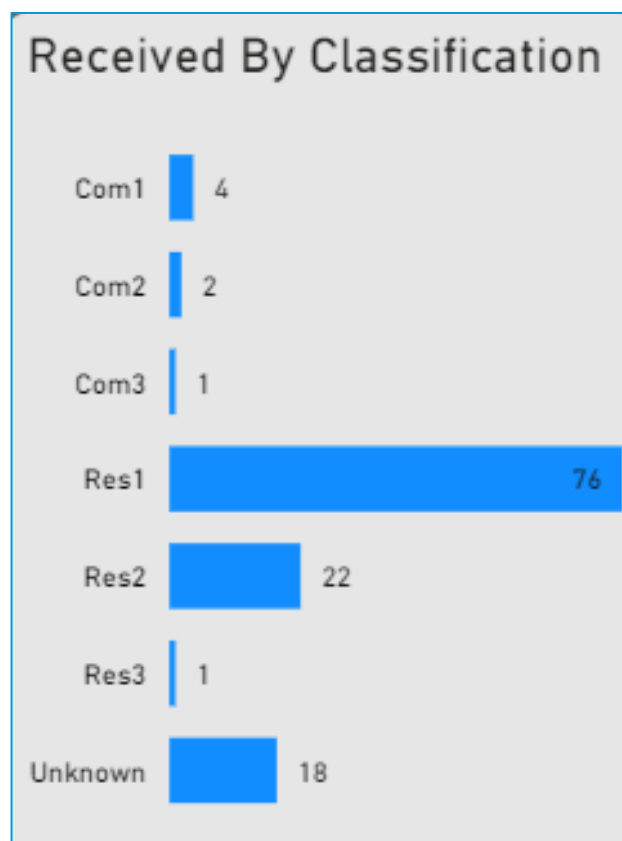
The dashboard below shows the consents currently being processed by the BCA. There are 108 Residential 1 (Res1), 35 Residential 2 (Res2), 5 Residential 3 (Res3), 18 Commercial 1 (Com 1), 7 Commercial 2 (Com 2) and 2 Commercial 3 (Com 3) applications. Use of contractors (building consultants) is currently at 52%. Three of our in house processors have increased competency in the last month and the focus is now on productivity and filling the vacancy in the team to increase capacity. The 1 consent in the Red has actually been granted within the statutory timeframe and once issued will no longer show on the traffic light.



The number of consent applications received for July is significantly lower than received for the comparative period last year. July consent application numbers are the lowest they have been since 2017. The easing recorded in June continues.



The dashboard below shows the building consent applications received by category. Res 1 applications dominate the current workload of the BCA with a total of 76 Res 1 applications received for the 2023 Financial Year.



Building Compliance

The Building Compliance Team (part of the Territorial Authority) are regulators operating under the Building Act 2004 which sets out the rules for the construction, alteration, demolition, and maintenance of new and existing buildings in New Zealand.

Its purpose is to ensure people can use buildings safely and without endangering the health or the property of others. The team manages the spheres of Building Compliance, Building Warrant of Fitness, swimming pools, Certificates of Acceptance and Exemptions.

Building compliance issues are not always Council's responsibility. Other agencies such as the NZ Police or other government agencies may be responsible or certain matters may be civil matters to be decided either legally or through mediation.

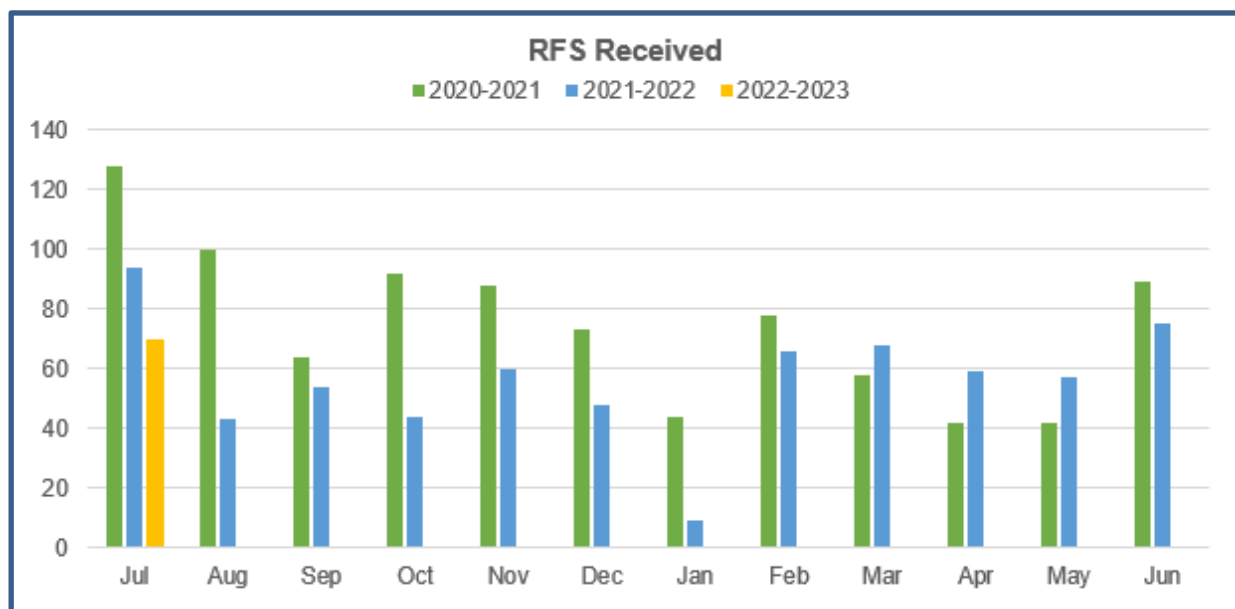
Council ensures compliance by inspecting or monitoring sites to ensure they comply with legislation. Depending on the level of non-compliance, there is a range of enforcement options the Council can take, from education to formal enforcement such as notices and prosecution.

Formal enforcement is not taken lightly. It is based on thorough investigation and considers the impact as well as any steps that may have been taken to address the non-compliance.

Requests for Service (RFS)

Requests for service range from general requests about legislation and owner obligations, through to requests to investigate suspected breaches of the Building Act 2004.

July was another busy month for incoming RFS, with the normal topics of stormwater, alleged illegal building complaints. A third of the RFS received were BWOF related with June and July being the busy months for BWOF renewals. The Building Compliance team continues to deal with a range of Building Act 2004 non-compliances.



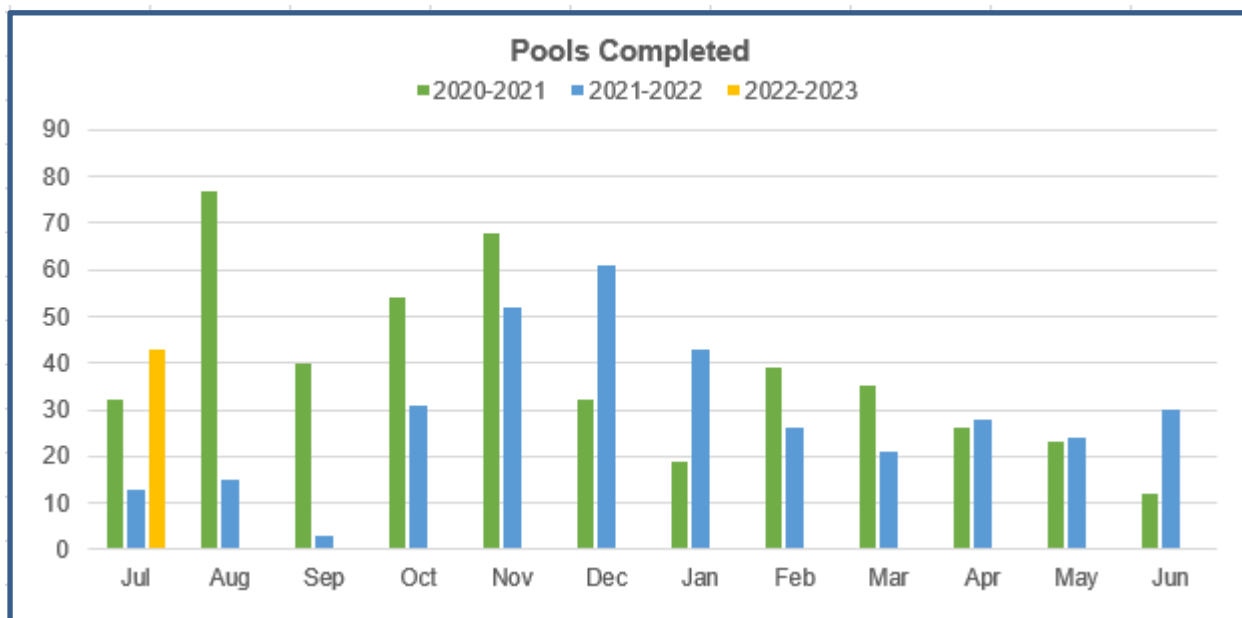
Swimming Pools

From 1 January 2017, the provisions of the Fencing of Swimming Pools Act 1987 were incorporated into and form part of the Building Act 2004. The Act applies to all residential pools and small heated pools with a depth of 400mm or more.

Pools that are filled (or partly filled) with water must have a physical barrier that restricts access to the pool by unsupervised children under the age of 6 years of age. Residential pools, including indoor swimming pools are subject to an inspection every 3 years.

A total of 43 swimming pool inspections were carried out during the month of July, with the completion of inspections on track and as per the allotted inspections for the year.

The swimming pool fail rate was 48% for this period. Council is working hard to provide these homeowners with the knowledge and information to help them achieve compliance and reduce the risk of drowning in the district.



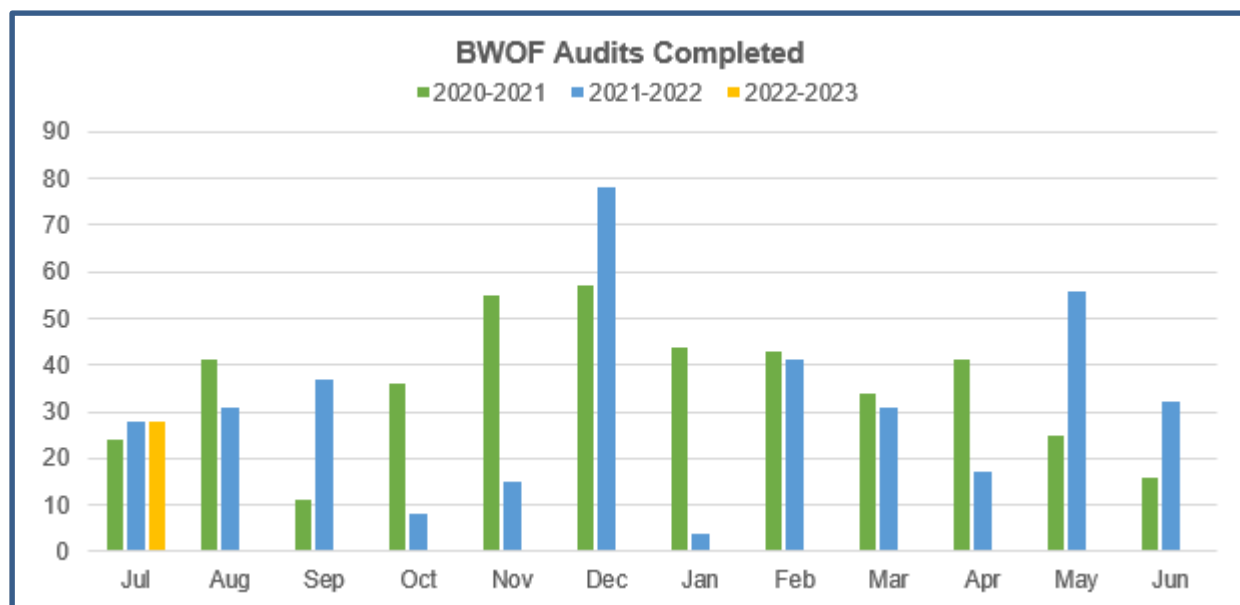
Building Warrant of Fitness (BWofF)

A building warrant of fitness (BWOF) is an annual certificate that confirms that specified systems in a building have been inspected and maintained and that requirements of the compliance schedule have been met.

Building owners are required to engage an independent qualified person (IQP) to inspect and certify the specified systems, display a copy of the BWOF certificate within the public area of the building and to provide the Council with a copy of the BWOF and IQP certificates of compliance.

The Council undertake BWOF audits of commercial buildings following a risk-based approach. Audits are carried out on a 1, 3, or 5-year cycle, but can also include any requests for service where there are concerns about a building owner's on-going compliance with the regulations.

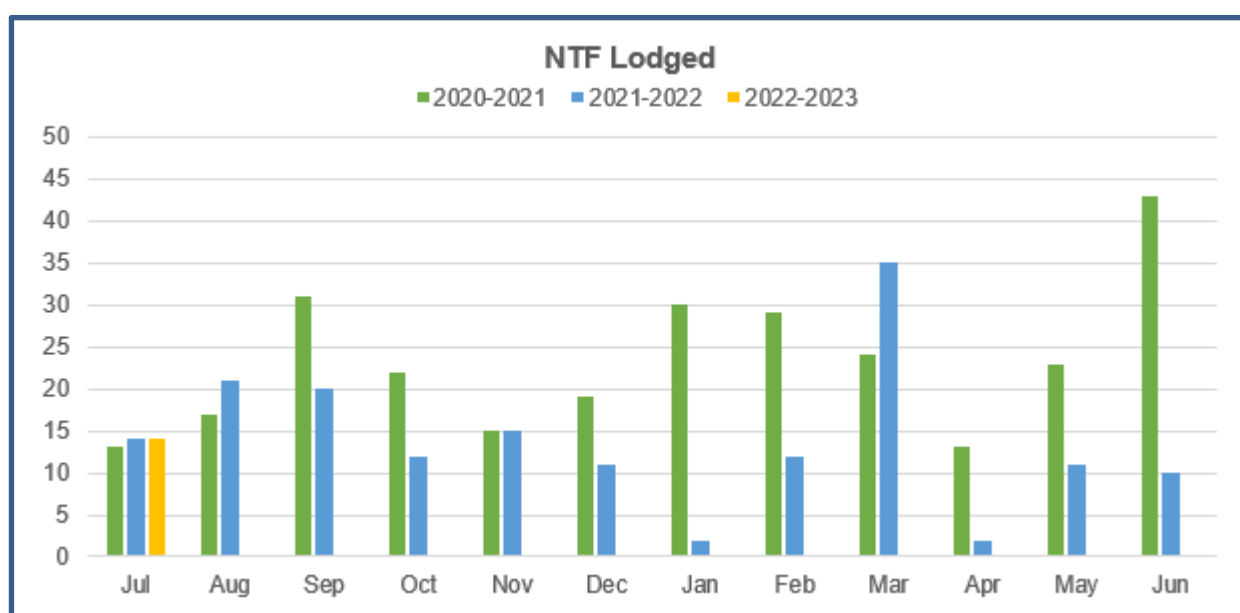
28 BWOF audits were carried out during July. The Compliance Schedule audit project is drawing to a close with only the big buildings (e.g. schools and hospitals) to complete. The team now focuses on delivering qualitative audits and establishing a work rhythm, supported by digital transformation and new dashboards to track performance.



Notices to Fix

A Notice to Fix (NTF) is a statutory notice requiring a person to remedy a breach of the Building Act 2004 or regulations under that Act. A NTF can be issued for all breaches of the Act, not just for building work.

14 Statutory Notices were served during the month of July for breaches of the Building Act 2004.

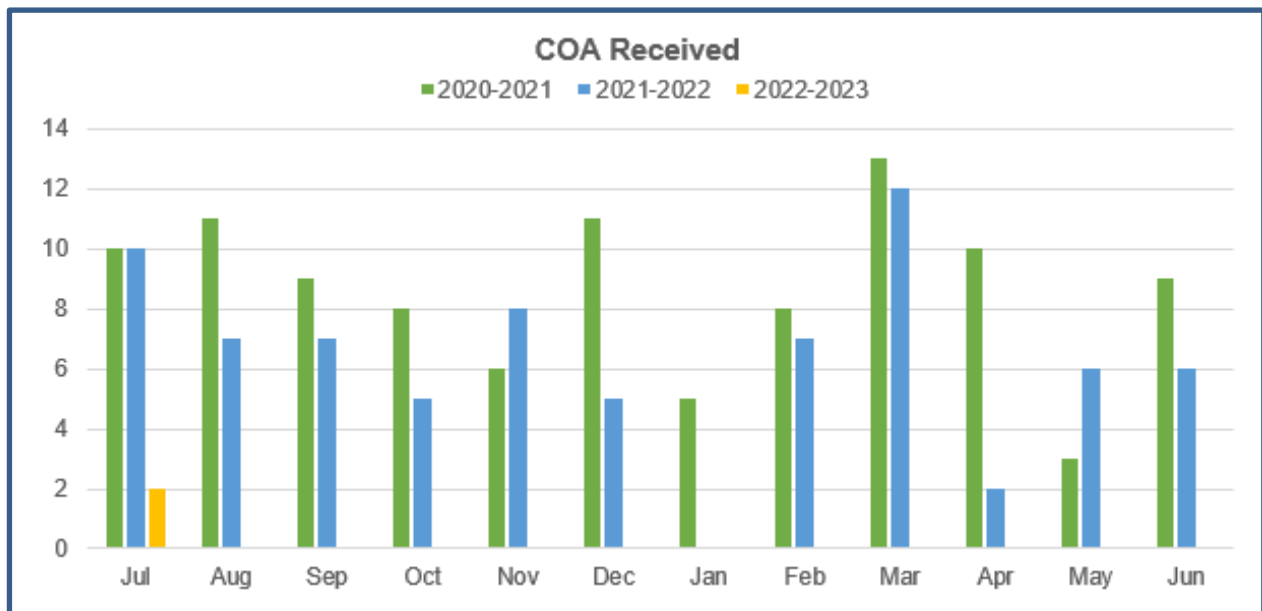


Certificates of Acceptance

A Certificate of Acceptance (COA) provides building code certification on work that can be inspected. It excludes work that cannot be inspected, so is not as comprehensive as a Code of Compliance Certificate (CCC). A certificate of acceptance applies where:

- work that requires a building consent was completed without one
- urgent work is carried out under section 42 of the Building Act
- another building consent authority or building certifier refuses to or cannot issue a CCC

Council received 2 COA applications during the month of July. The number of COA applications remain consistent month to month.



Infringements

Under Section 372 of the Building Act, an infringement notice may be served on a person if an enforcement officer observes the person committing an infringement offence or has reasonable cause to believe an infringement offence is being or has been committed by that person.

The Building Infringement Regulations contain a clear and unambiguous list of infringement offences. These infringement offences are based on specific existing building offences. The fees are prescribed by regulations, following consultation with territorial and regional authorities, and building sector representatives, with the following principles in mind:

- Higher fees would reflect direct risks to health and safety
- There should be consistency between offences that are similar in nature

Fees range from \$250 (for procedural offences) to \$2,000 (for more serious breaches), with the level of fee reflecting a smaller percentage of the maximum fine already specified in the Building Act.

2 infringements were issued during the month of July. The infringements were for the breach of section 40 and for carrying out restricted building work without the appropriate licence.

