

# G08 Granting and Issuing Building Consents

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## 1. INTRODUCTION

Following technical processing of the application by the Lead Consultant, the ORC considers the recommendations and documents its decisions and reasons for decision. The Lead Consultant will have completed the Application Assessment Checklist and supporting Consultant's Report which provide the basis for the recommendations (see G05). Decision-making is never delegated to the Lead Consultant.

## 2. PROCESS FLOW OVERVIEW

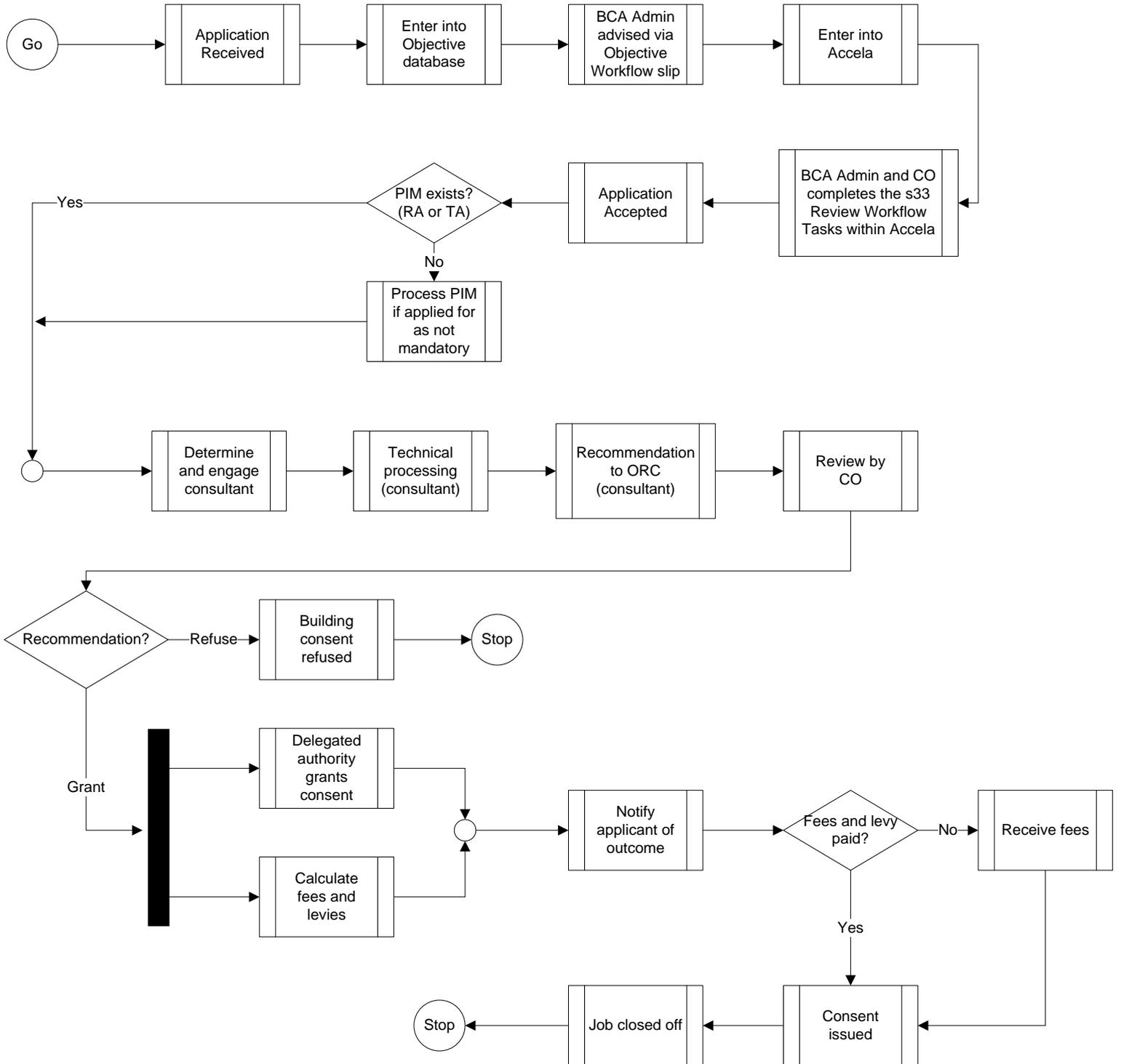
Relevant Process: P01: Building Consents

Relevant Stage(s): Review by Consents Officer; Delegated Authority Grants Consent; Building Consent Refused; Consent Issued; Job-Close-Off

Primary Role(s): Consents Officer, Director Policy Planning and Resource Management, BCA Administration Staff



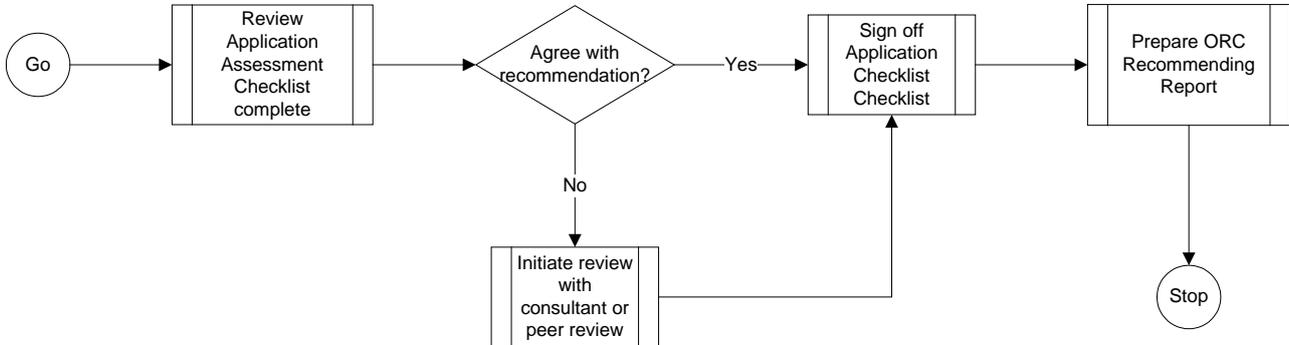
**P01: Building Consent**



Stage details are included in the relevant sections below.

### 3. PROCEDURE FOR GRANTING OF BUILDING CONSENT

#### Process Overview for Stage: Review by Consents Officer



#### Process description for Stage: Application Accepted – carried out by Consents Officer

Task	Notes	Record created
Review Application Assessment Checklist and Consultant's Report complete	Includes reviewing any of the related material submitted by the Lead Consultant and applicant.  This is a check for completeness and internal consistency (e.g. that all building code clauses have been examined for applicability and identified as not applicable where that is the case).  Also see checks in the following section.	Application Assessment checklist provided by Lead Consultant.
Sign-off Application Assessment checklist		Consents Officer records on Application Assessment checklist whether agree with the recommendation and the reason for that. Make any comments on this form.  Accela Workflow Tasks Technical Analysis and Consultant Assessment are updated with relevant information.
Prepare ORC Recommending Report	Recommending Report records reasons for decision. See examples saved into objective.	Recommending report saved into Objective. Electronic record in Accela including Workflow Task updated.
Agree with recommendation = No		



<p>Initiate review with consultant or peer review</p>	<p>May be as simple as identifying a missing document or querying whether a particular check is relevant.</p> <p>All queries to be recorded by email, letter or file note.</p>	<p>Any correspondence including emails to be saved into Objective.</p> <p>If this results in a revised Application Assessment Checklist, a new one must be completed and saved into Objective. The superseded Application Assessment Checklist is marked "Superseded".</p> <p>If more information is required from the applicant, this will be in writing, saved into Objective. Accela status will be changed to suspended, and the reasons for this recorded.</p>
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**Further description**

After processing is complete by the Lead Consultant the Consents Officer will check that all requirements of the brief have been met. This includes a review of the Application Assessment Checklist and Consultants' Report. The Consents Officer signs off the Application Assessment Checklist in respect of the recommendation to either Grant or Refuse the Consent and any conditions recommended by the Lead Consultant.

The Consents Officer will also check the adequacy of recommendations the Lead Consultant has made to whether:

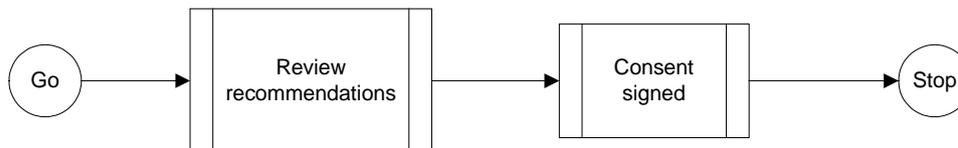
- Building consent conditions need to be attached;
- A development contribution notice issued by the territorial authority under Section 36 affects the application;
- Any Resource Management Act certificates issued under Section 37 are required;
- A New Zealand Fire Service Commission memorandum has been issued, and whether the ORC is satisfied with processing decisions in response to this;
- All matters identified in the two Project Information Memoranda (PIM) have been addressed (if issued);
- There are any bans or warnings that may affect the building work;
- The value of the building work as assessed by the applicant is appropriate, and whether the assessment of the value of the levies is correct;
- A compliance schedule is required or needs amending and, if so, whether the specified systems are correctly identified, and whether the performance standards for the specified systems are appropriate;
- Any implications of the proposed building work in terms of the ORC's policy on dangerous dams, earthquake-prone dams and flood-prone dams;
- The assessment and recommendations are consistent with any resource consents that have been granted or are being applied for simultaneously;
- The PIC and whether the proposed building work triggers the requirement for a review of the audited PIC (Section 139(2)).

Once this review is complete and satisfactory the Consents Officer will then prepare a recommending report and forward that and the other documents to the Director Planning & Resource Management or Director Engineering, Hazards and Science for review and a decision (approval or refusal). Examples of the recommending report are saved into Objective. The recommending report shall be in the form of a memorandum and shall address the following matters:

- Name of the Lead Consultant;
- Brief outline of the activity that is the subject of the application;

- Outline of the application processing key steps and timeframes;
- Issues identified by the Lead Consultant and whether and how they have been resolved;
- Recommendation (grant or refuse to grant) and reasons;
- Proposed conditions of consent.

**Process Overview for Stage: Review: Delegated authority Grants Consent - carried out by Director Policy Planning and Resource Management or Director Engineering, Hazards and Science.**



**Process Description for Stage: Delegated Authority Grants Consent**

Task	Notes	Record created
Review Recommendations	The Director will review to ensure the recommendation appears accurate and is supported by evidence.	Decision by Director is recorded in Accela against the DEHS Decision Workflow Task showing any comments made and the reason for the decision.
Consent Signed	The Director will sign-off that the consent can be issued subject to receiving outstanding fees and charges. At this point the time clock is stopped.	Sign-off by Director that consent can be issued. Following approval to issue the consent, Accela status will be updated and the Workflow Tasks are updated.

**Further Description of Granting Consent**

The Director Planning & Resource Management or Director Engineering, Hazards and Science shall be satisfied on reasonable grounds that compliance with the Building Code has been achieved. This shall be evidenced by the Application Assessment Checklist and recommending report. If satisfied, the building consent shall be granted. At this point the time clock is stopped (within Accela). See Section 2 of G05 regarding the processing time clock.

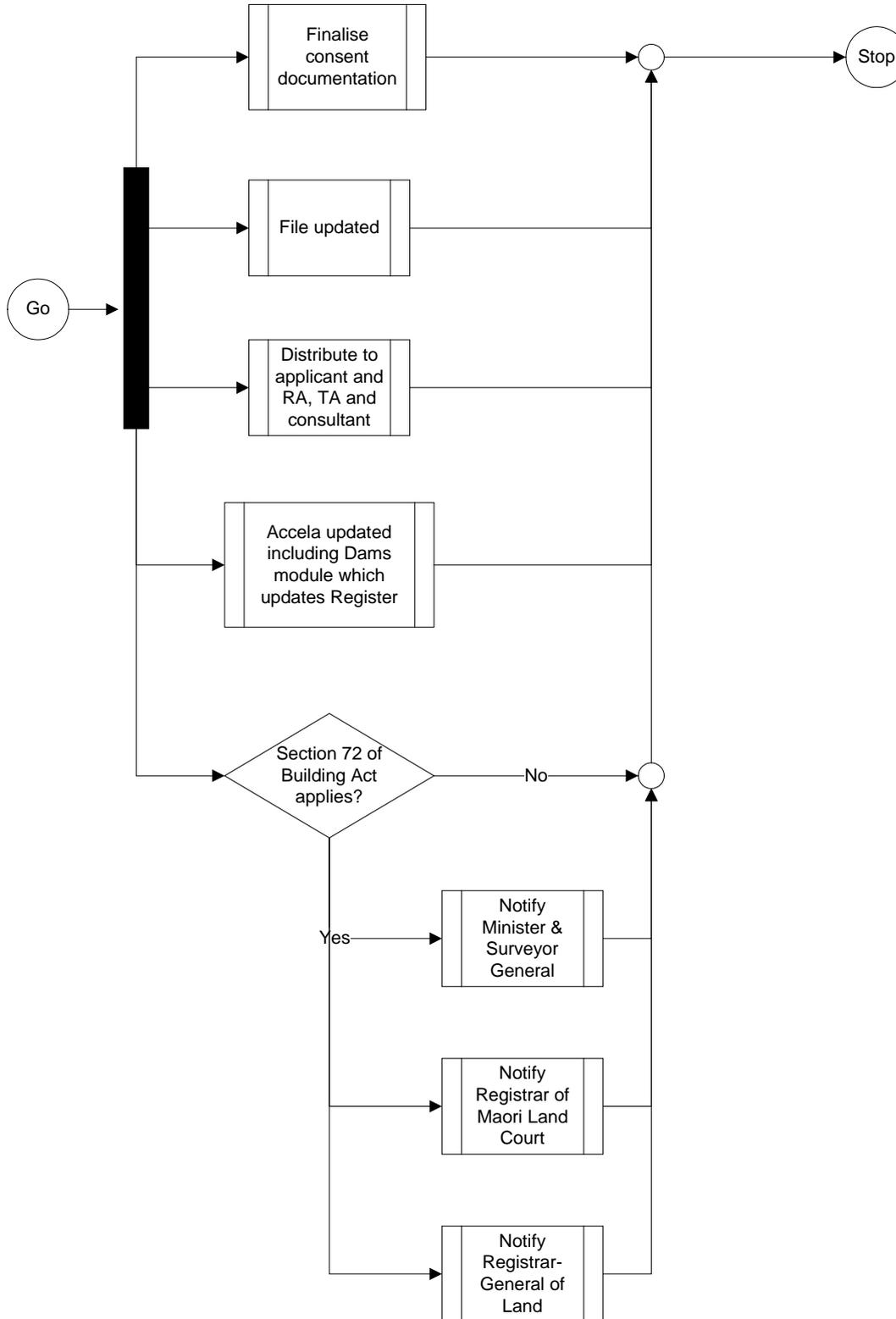
If either the Consents Officer, Director Planning & Resource Management or Director Engineering, Hazards and Science are not satisfied on the grounds for granting the consent, with the information provided they shall suspend the consent and initiate a formal request from the applicant for more information and/or invite the applicant to make changes to their application. Care shall be taken in relation to the latter to avoid advising on design solutions. If still not satisfied, the application for building consent will be refused and the applicant advised accordingly. The reasons for the refusal shall be clearly documented and attached to the notification sent to the applicant.

The application will be then forwarded to BCA Administration staff to prepare the building consent to calculate fees and prepare the building consent for issue.

The applicant shall then be advised that the building consent is ready for issue and is advised of the amount of fees to be paid, including the BRANZ and DBH levies (refer G13).

## 4. PROCEDURE FOR ISSUE OF BUILDING CONSENT

### Process Overview for Stage: Consent Issue - carried out by BCA Administration



### Process Description for Stage: Consent Issue

Task	Notes	Record created
Finalise consent documentation	See below for details.	Final consent for issue.
Distribute to applicant & RA		Save any outward correspondence in Objective.
Accela updated		Updated Accela.
Include on Register of Dams	[Non BCA Function]. Include a note on the Dam Register.	Updated Register of Dams (Accela).
Section 72 notifications?	Generate the required correspondence.	Saved in Objective.
Check that all essential records are contained in Objective in the project folder	"Essential records" are specified in M02 Records and Document Management. If there are missing records advise the Consents Officer.	

### Further Description of Consent Issue

Following the granting of the Consent, BCA Administration staff will:

1. Generate the building consent on the prescribed form;
2. Attach the approved plans, specifications and building consent conditions;
3. Stamp each sheet of the approved plans and specification with the ORC BCA "approved" stamp (including the ORC consent number and the date);
4. Update the status on ORC's consent processing system (Accela);
5. Attach a development contribution notice in the prescribed form if one has not already been issued with the PIM (Section 36 as modified by the Building Amendment Act 2009);
6. If related resource consents are needed (from the ORC and/or the regional authority and/or the TA) issue a certificate in the prescribed form if one has not already been issued with the PIM to the effect that until resource consent is obtained no building work may proceed or building work may proceed only to the extent stated in the certificate (Section 37 as modified by the Building Amendment Act 2009);
7. Attach a list of the specified systems that are covered by the compliance schedule and the performance standards of these;
8. Attach copies of the two project information memoranda (one issued by the TA and one issued by the RA) if applied for by the owner and not already issued (Section 212 as modified by the Building Amendment Act 2009);
9. Give to Director Planning & Resource Management or Director Engineering, Hazards and Science for signing;
10. Make a hard copy of the signed building consent and the stamped, approved plans and specifications (from 3 above) and save a complete scanned copy into Objective (in the consent folder) and send the complete hard copy to Records for batch filing based on the date. The scanned copy is the Counterpart, held by ORC;
11. Ensure all essential records are complete and up to date in Objective.

BCA Administration staff shall then calculate the fees and levies in accordance with G13:

- Department of Building and Housing levy - payable if the project value is \$20,000 or greater and is due for payment one month after the consent has been granted. If the building consent application has been assessed and approved but not yet uplifted and there is an increase in the levy, then the fees must be recalculated before the consent is issued;
- BRANZ levy - payable if the project value is \$20,000 or greater and is due for payment one month after the consent has been granted;
- Fees - Administration staff will record processing time and calculate fees (as applicable).

BCA Administration staff will then contact the applicant informing them that the building consent application has been granted and is ready for issue on payment of the levies and any outstanding fees. The BCA Administration staff will also update Accela and enter the details onto the Register of Dams to enable monitoring of consent.

The consent will not be issued until all fees and levies are paid. A significant component of the fees will be the costs incurred by the Lead Consultant. The Lead Consultant shall therefore promptly submit all their costs to the ORC so that the ORC can establish the full and final fee to be charged, and the consent can be issued. The Lead Consultant will promptly compile the fees charged by any sub-consultants they have used. These requirements will be specified in the ORC's service agreement with the Lead Consultant and is also a requirement on the Application Assessment Checklist completed by the Lead Consultant. When fees are disputed this is treated as a complaint and saved into Objective.

## 5. APPLICATION GRANTED BUT CONSENT NOT UPLIFTED

If an application that has been granted is not uplifted within 21 working days of being granted, the BCA Administration staff will contact the applicant by telephone (if possible) and determine whether they wish to cancel the application.

If the applicant intends to continue with the proposed application, the BCA Administration staff shall give them a clear time-frame in which to uplift the application before it will be cancelled. This should generally be no more than 1 month. The updated information shall be entered into Accela and the applicant notified in writing of the extension.

If the application is to be cancelled, inform the applicant regarding fees and charges incurred regardless of the request to cancel, any refunds and return of documentation. Record the cancellation on Accela and cancel the application documentation.

If an approved application is not uplifted within 28 days, a letter shall be sent to the applicant outlining the need to uplift the consent and pay the associated fees.

## 6. LAPSE OF BUILDING CONSENT

Under Section 52 of the Act a building consent lapses automatically and is of no effect if the building work to which it relates does not commence within 12 months after the date of issue of the building consent or any further period that the building consent authority may have allowed.

BCA Administration staff shall be alerted of any building consents that were issued 11 months prior and have yet to confirm that works have commenced via an email alert linked to accela. Where such a case is identified a letter shall be sent to the consent holder informing them that their building consent is going to lapse (on the nominated date) unless they commence (or have commenced) building work, and that they must advise the ORC within 10 working days of the status of the building work (e.g. not started, underway, completed). If no response is received from the consent holder by the due date then they shall be sent a second letter stating they have a further 10 working days to contact the ORC and advise the ORC of the status of the building work (e.g. not started, underway, completed). If no response to the second letter is received then the site shall be visited by ORC, BCA or Environmental Monitoring and Planning staff so as to establish the state of the building work. At the lapse date the consent shall be recorded as lapsed in Accela and the consent holder sent written notification.

If the consent holder wants to proceed with the consent after a 12 month period from the date of issue of consent (and has informed the ORC of this prior to the lapse date) the Director Planning & Resource Management or Director Engineering, Hazards and Science will decide on a case by case basis a reasonable extension period for work to commence (not longer than 12 months). In considering this commencement the Consents Officer will review whether there have been any relevant changes to the Building Code, or

warnings or bans that may be relevant to the proposed building work. The Consents Officer will provide a recommendation to the Director Planning & Resource Management or Director Engineering, Hazards and Science on whether such a commencement is appropriate. If there have been changes to the proposed building work the application must be re-processed as an amendment. All requests for extensions must be in writing. If the extension is agreed, Accela and application documents shall be updated by BCA Administration to reflect the new timeline. BCA Administration shall then advise the applicant of the status and new timeline in writing.

If extension is not approved or the applicant does not want to proceed, the consent shall be recorded as cancelled in Accela.

## **7. REFUSAL OF CONSENT**

If compliance with the Building Code and the Building Act has not been achieved the building consent application will be refused. The Director Planning & Resource Management or Director Engineering, Hazards and Science will advise the applicant of the reasons for refusal in writing. The building consent authority shall direct the applicant to the determination process in the Act should the applicant not be satisfied with the outcome, as a means of resolving a disputed decision. The costs of processing the application, including the service delivery charge and the costs of the Lead Consultant, are recovered from the applicant even when the application is refused.

## **8. RECORDS OF DECISIONS MADE**

The following records will be kept in relation to the granting, issue, or refusal of a consent:

- The Application Assessment Checklist completed by the Consultant and the Consultant's Report. This is the basis of documenting the reasons for the decision and includes the recommendation;
- Any subsequent correspondence or file notes made by the Consents Officer in relation to the recommendation from the Consultant;
- The recommendation to grant/refuse the consent (in Accela);
- The Consent documentation itself;
- Any further correspondence or file notes generated by the ORC or the applicant (e.g. for consent not uplifted).

Objective will be updated with the above information and the status of the application in Accela will be changed by BCA Administration to reflect the decisions made. BCA Administration staff shall check that all of the above information is contained in Objective.