



G16 Other Building Act Processes and Applications

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1. INTRODUCTION

There are a number of other Building Act processes carried out by ORC. This guidance note deals with the processes for non-BCA functions that are not the dam safety processes set out in Part 2, Subpart 7 of the Act. Those dam safety processes are described in G17.

The following are applications that relate to a building consent or building consent application, and may arise during processing or as a result of compliance activity:

- Application for Waiver
- Amended Compliance Schedule
- Request for Exemption (Schedule 1 of the Act)
- Certificate of Acceptance
- Certificate of Public Use.

The following are other miscellaneous functions required to ensure Building Act obligations are met.

- BWOFF update.

2. APPLICATION PROCESSES

The overall approach for processing this type of applications is similar to that for building consent applications. That is, they are scoped as part of a brief by the Consents Officer, reviewed and processed by consultants, with final sign-off on documentation by the delegated authority within ORC. Notes accompanying these processes only highlight additions or changes to this approach.

As these applications will typically be proceeding with the Building Consent processes, where appropriate they will be issued to the relevant Lead Consultant for the relevant Building Consent.

These applications also require the payment of fees as per ORC’s prescribed fees and charges set out in the Annual Plan.

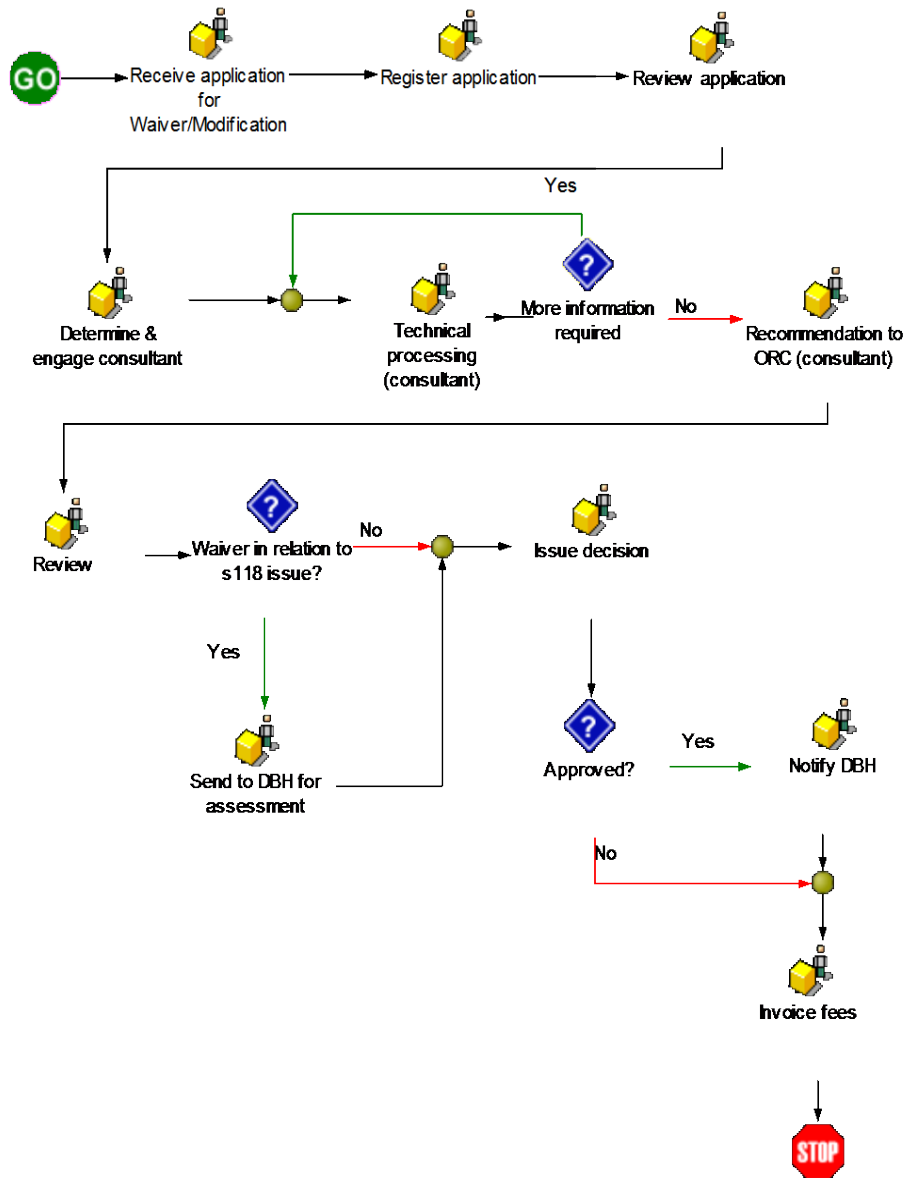
Process: Application for Waiver

Relevant Process: P04: Application for Waiver

Relevant Stage(s): All

Related Process: P01 Building Consent, P03: Compliance Certification

Primary Role(s): BCA Administration Staff (receipt and tracking); Consents Officer, Lead Consultant (application review)



Unique Stages	Notes	Record created
Register Application	Create in Accela so it is searchable and potentially linkable to Building Consents.	Accela record.
Send to MBIE for assessment for Section 118	This is necessary for waivers in relation to Section 118 (access and facilities for persons with disabilities to and within buildings).	File correspondence (note the Act requires it to be sent to the Chief Executive of MBIE).
Notify MBIE	All waivers must be notified to MBIE.	File correspondence (note the Act requires it to be sent to the Chief Executive of MBIE).

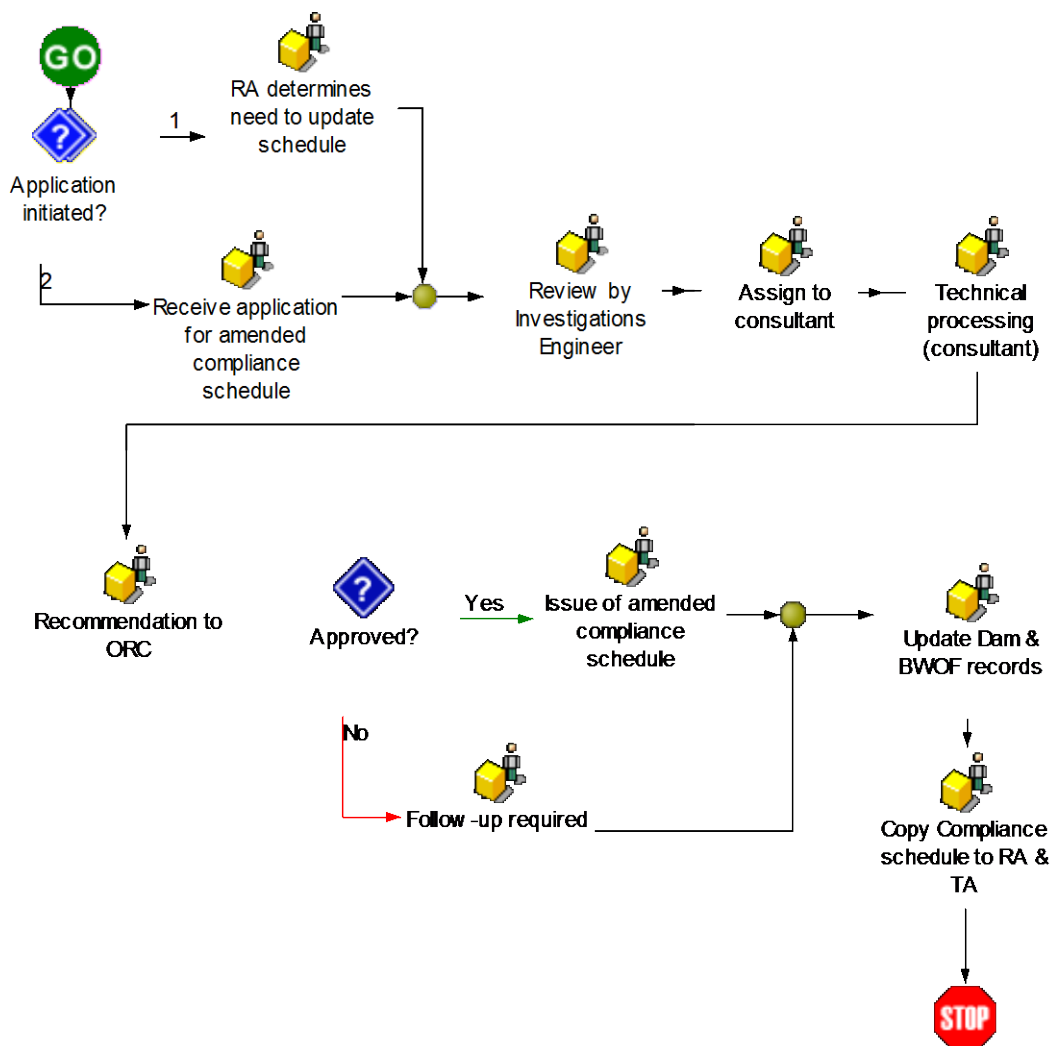
Process: Amended Compliance Schedule

Relevant Process: P06: Amended Compliance Schedule

Relevant Stage(s): All

Related Process: P01 Building Consent, P03: Compliance Certification

Primary Role(s): BCA Administration Staff (receipt and tracking); Consents Officer, Lead Consultant (application review)



This may arise from BWOF processes alerting to need for change to compliance schedule. In general, the process is fairly standard with the unique stages identified below:

Unique Stages	Notes	Record created
Issue of amended compliance schedule	Compliance schedule re-issued to applicant with amendments incorporated.	Issued compliance schedule – linked to Building Consent file. Amendment to BWOF bring-up.
Update Dam & BWOF Records	BWOF records need to be accurate as to annual BWOF requirements.	BWOF bring-ups.
Copy Compliance Schedule to RA	Copied to another RA where the dam is within their jurisdiction.	Correspondence file.

Request for Exemption

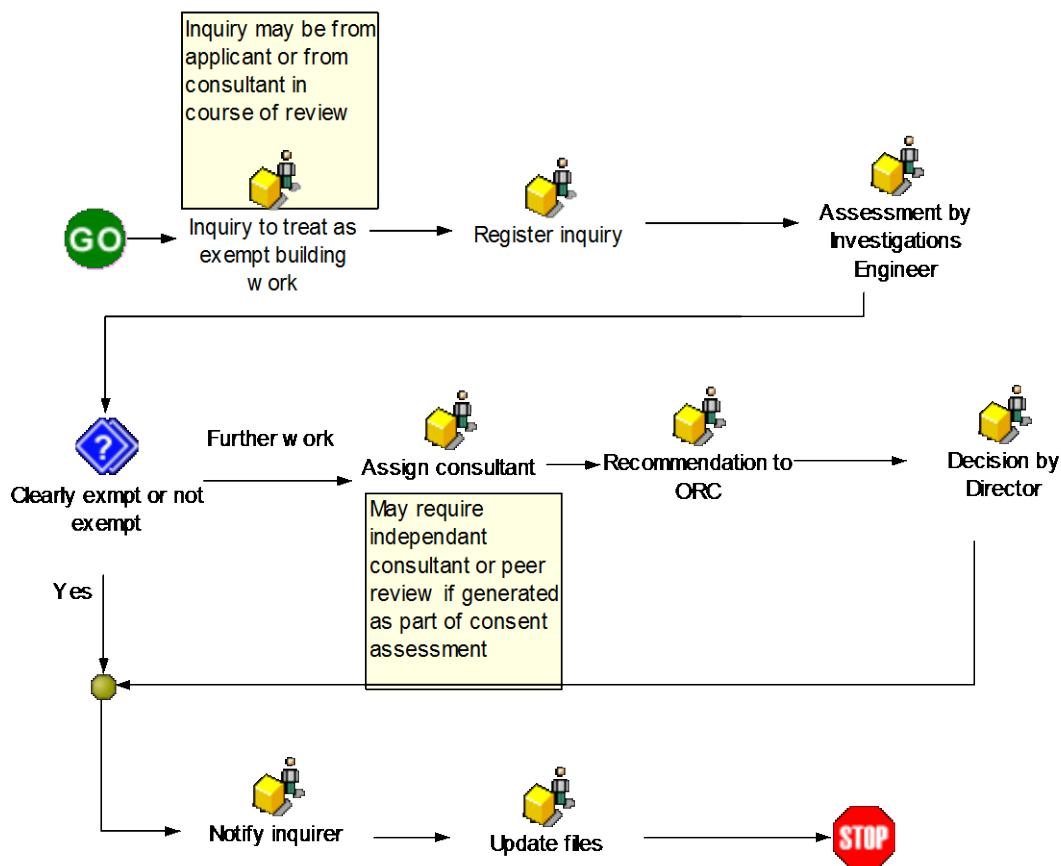
Relevant Process: P07: Request for Exemption

Relevant Stage(s): All

Related Process: P01 Building Consent, P03: Compliance Certification

Primary Role(s): BCA Administration Staff (receipt and tracking); Consents Officer, Lead Consultant (review of request)

Exempt Building Work is defined in Schedule 1 of the Building Act 2004. See Guide G01.



In some cases this will be clear-cut and within scope of the Consents Officer to assess in terms of the definitions. Where it is not, it will be referred for Consultant review. This may also require reference to MBIE for a determination.

Records should be created as for a Building Consent application or cross-referenced to an existing Building Consent application.

Certificate of Acceptance

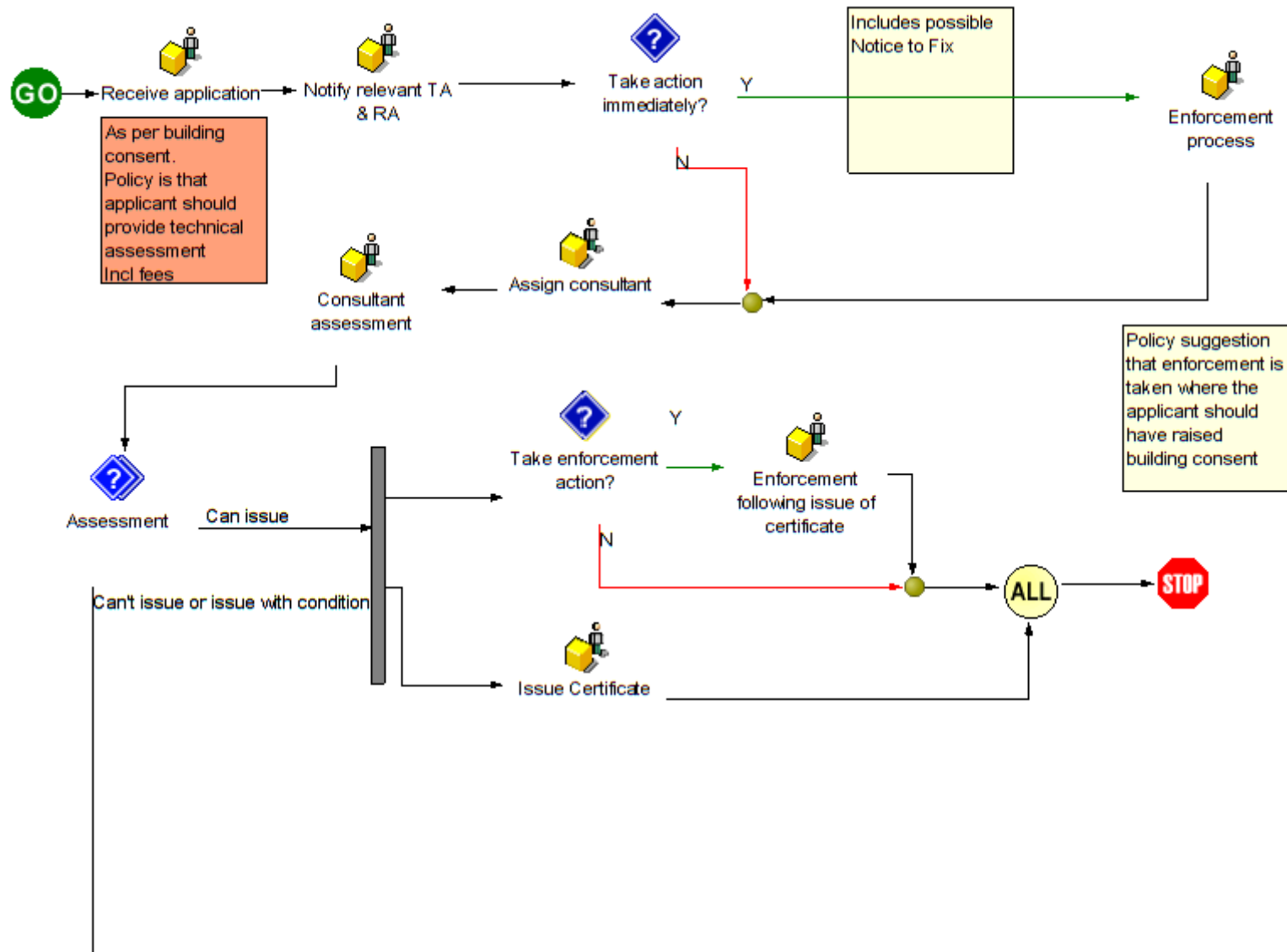
The Certificate of Acceptance may arise during a consenting or evidence of compliance process, or through investigation or enforcement action.

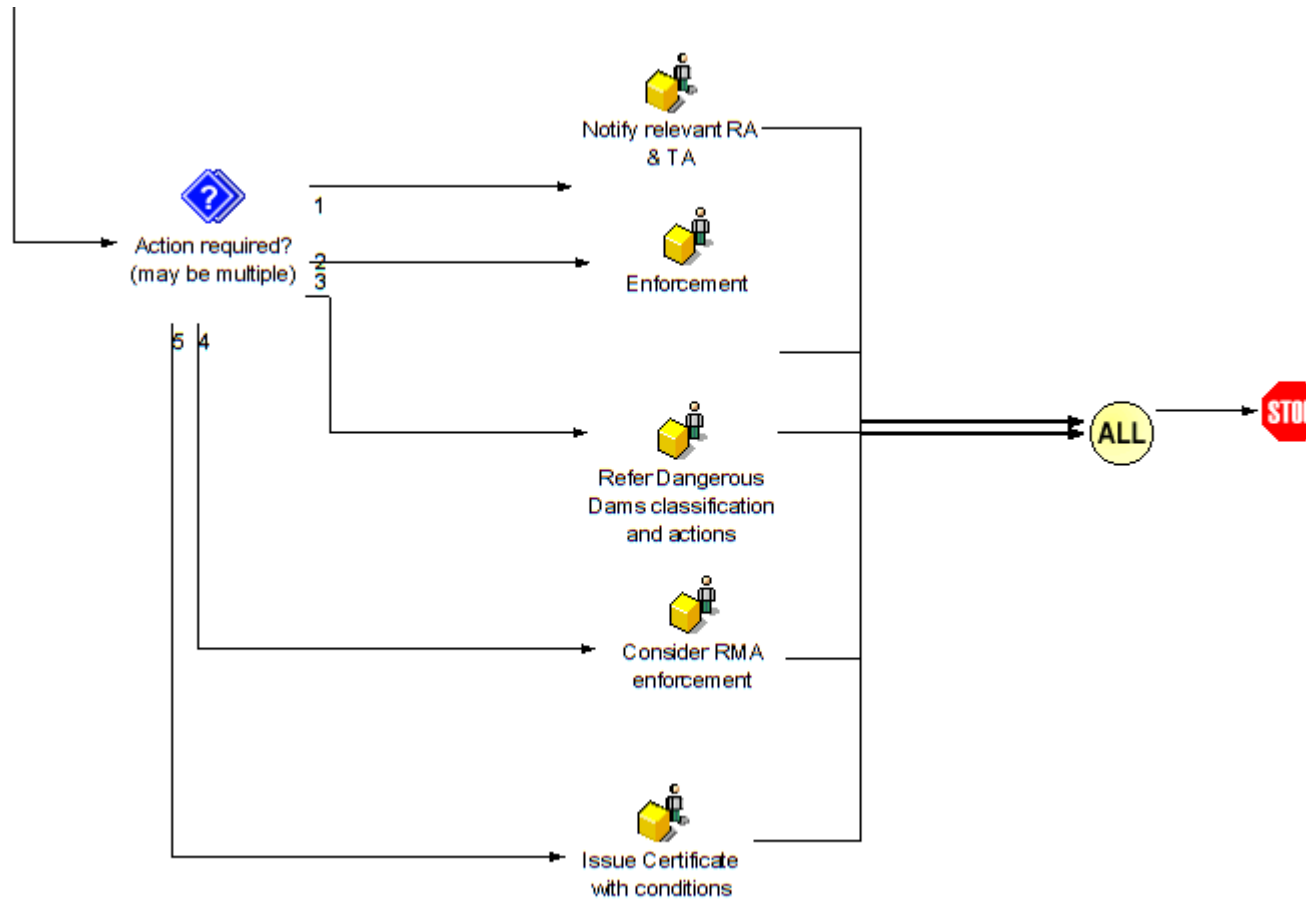
The issuing of a Certificate of Acceptance does not preclude taking enforcement action on illegal building works. An offence under the Act has been committed regardless of whether a Certificate is applied for and issued.

The documentation and record-keeping for a Certificate of Acceptance is similar to a Building Consent application. The process again relies on using the external consultants to make the assessment as to whether there are grounds to issue a Certificate for Acceptance.

The test for issuing a Certificate of Acceptance is different to that for a building consent (compare the test in Section 96(2) with that for building consent in Section 49(1)). Accordingly the evidential requirements are different. A certificate of acceptance is assessed based on what has been built not what was intended to be built. The assessment shall be based on as-built records including, where available, drawings and test results. Particular care shall be taken to ensure that the assessment is evidence based and that the differences between fact, assumption and opinion are clearly recorded.

Relevant Process: P12: Certificate of Acceptance
Relevant Stage(s): All
Related Process: P01 Building Consent, P02 Evidence of Compliance Process, P03: Compliance Certification, P09 Notice to Fix and Enforcement
Primary Role(s): BCA Administration Staff (receipt and tracking); Consents Officer, Lead Consultant (application review)





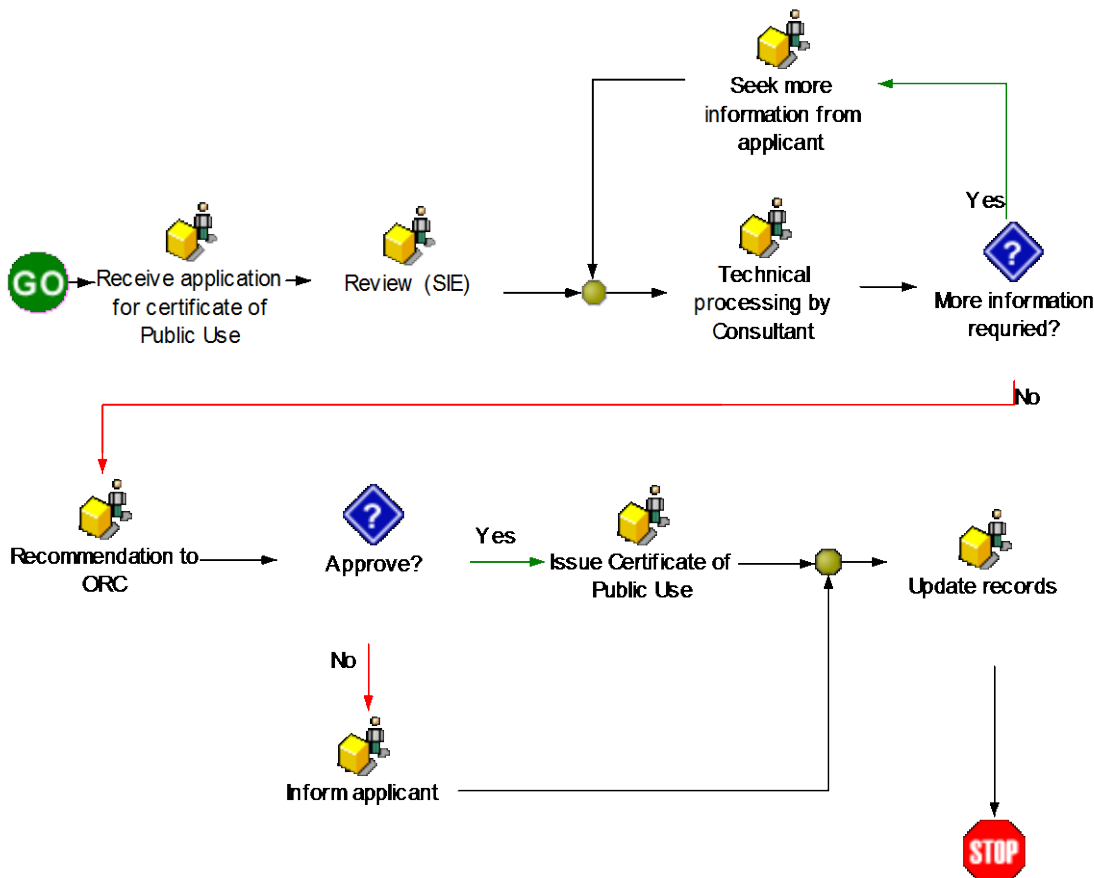
Certificate of Public Use

Relevant Process: P13: Certificate of Public Use

Relevant Stage(s): All

Related Process: P01 Building Consent, P02 Evidence of Compliance Process, P03: Compliance Certification

Primary Role(s): BCA Administration Staff (receipt and tracking); Consents Officer, Lead Consultant (application review)



This process is analogous to Building Consent applications. The Certificate of Public Use application and documents and records must be linked to the original Building Consent application and the Evidence of Compliance documents.

3. MISCELLANEOUS PROCESSES

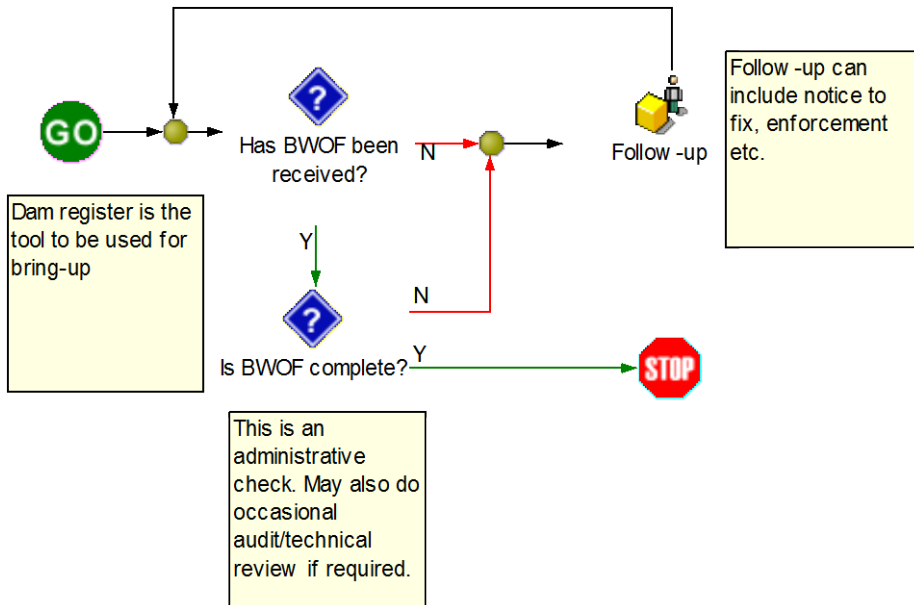
BWOF Update

Relevant Process: P13: BWOF Update

Relevant Stage(s): All

Related Process: P01 Building Consent, P02 Evidence of Compliance Process, P03: Compliance Certification

Primary Role(s): ORC Environmental Services; Consents Officer



Stages	Notes	Record created
Has BWOF been received?	Building Warrant of Fitness is an annual bring-up process. ORC will maintain a system of bring-ups, as per the compliance monitoring processes. Current status of BWOF completion will be reviewed on a monthly basis, to identify the receipt of BWOF's.	Compliance Monitoring records in Accela.
Follow-up	Could involve phone-calls, correspondence, and potentially enforcement.	Actions noted in Accela. Correspondence records in Objective.
Is BWOF Complete?		Updated Accela.