

Consultation submission form

Review of the Building Consent System



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How to make a submission

The Government has commenced a substantive review of the building consent system. A better building consent system is a key priority of the Government and is necessary to support transformation of our housing market to unlock productivity growth and make houses more affordable.

The aim of the review of the building consent system is to modernise the system to provide assurance to building owners and users that building work will be done right the first time, thereby ensuring that buildings are well-made, healthy, durable and safe.

How to make a submission

The Ministry of Business, Innovation and Employment (MBIE) is seeking your feedback on:

- what role you think the government should have in providing assurance that buildings are healthy, durable and safe
- the desirable outcomes from the building consent system
- an initial assessment of the key issues that are barriers to achieving those outcomes.

When completing this submission form, please provide comments and reasons explaining your choices. Your feedback provides valuable information and informs decisions about the proposals.

You can submit this form by 5pm, Sunday 4 September 2022 by:

- Sending your submission as a Microsoft Word document to **building@mbie.govt.nz**
- Mailing your submission to:

Consultation: Review of the Building Consent system
Building System Performance
Building, Resources and Markets
Ministry of Business, Innovation and Employment
PO Box 1473

Wellington 6140
New Zealand

Use of information

The information provided in submissions will be used to inform MBIE's policy development process, and will inform advice to Ministers on the review of the building consent system. We may contact submitters directly if we require clarification of any matters in submissions.

How to make a submission

Release of information

MBIE may upload PDF copies of submissions received to MBIE's website at www.mbie.govt.nz. MBIE will consider you to have consented to uploading by making a submission, unless you clearly specify otherwise in your submission.

If your submission contains any information that is confidential or you otherwise wish us not to publish, please:

- indicate this on the front of the submission, with any confidential information clearly marked within the text
- provide a separate version excluding the relevant information for publication on our website.

Submissions remain subject to requests under the *Official Information Act 1982*. Please set out clearly in the cover letter or e-mail accompanying your submission if you have any objection to the release of any information in the submission, and in particular, which parts you consider should be withheld, together with the reasons for withholding the information. MBIE will take such objections into account and will consult with submitters when responding to requests under the *Official Information Act 1982*.

Private information

The *Privacy Act 2020* establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including MBIE. Any personal information you supply to MBIE in the course of making a submission will only be used for the purpose of assisting in the development of policy advice in relation to this review. Please clearly indicate in the cover letter or e-mail accompanying your submission if you do not wish your name, or any other personal information, to be included in any summary of submissions that MBIE may publish.

Submitter information

MBIE would appreciate if you would provide some information about yourself. If you choose to provide information in the “About you” section below it will be used to help MBIE understand the impact of our proposals on different occupational groups. Any information you provide will be stored securely.

A. About you

Name: Malcolm Fleming

Email address: malcolm@nzcb.nz

B. Are you happy for MBIE to contact you if we have questions about your submission?

Yes No

C. Are you making this submission on behalf of a business or organisation?

Yes No

If yes, please tell us the title of your company/organisation.

New Zealand Certified Builders Association

D. The best way to describe your role is:

- Building Consent Authority Industry organisation (please specify below)
 Business Individual
 Other (please specify below)

Please specify here.

E. If you represent a Business the best way to describe it is:

- Designer/ Architect Builder
 Sub-contractor Engineer
 Developer Other (please specify below)

Submitter information

F. If you are an individual the best way to describe you is:

- | | |
|---|---|
| <input type="checkbox"/> Designer/ Architect | <input type="checkbox"/> Builder |
| <input type="checkbox"/> Sub-contractor | <input type="checkbox"/> Engineer |
| <input type="checkbox"/> Building Consent Officer | <input type="checkbox"/> Developer |
| <input type="checkbox"/> Homeowner | <input type="checkbox"/> Other (please specify below) |

G. Privacy information

- The *Privacy Act 2020* applies to submissions. Please tick the box if you do **not** wish your name or other personal information to be included in any information about submissions that MBIE may publish.
- MBIE may upload submissions or a summary of submissions received to MBIE's website at www.mbie.govt.nz. If you do **not** want your submission or a summary of your submission to be placed on our website, please tick the box and type an explanation below:

I do not want my submission placed on MBIE's website because... [insert reasoning here]

H. Confidential information

- I would like my submission (or identifiable parts of my submission) to be kept confidential and **have stated** my reasons and ground under section 9 of the Official Information Act that I believe apply, for consideration by MBIE.

If you have ticked this box, please tell us what parts of your submission are to be kept confidential.

Section 1: Introduction and strategic context

Building consent systems aim to provide assurance that buildings are healthy, durable and safe. Government intervention is typically directed at addressing the following problems that can occur in the building market:

Information gaps: many building owners and other users of buildings have insufficient knowledge or skill to assess the quality of building design or building work, or properly identify and manage risk.

Risk of harm: protecting building owners and other users from the risk of serious harm that could arise from poor design or building work.

Cost of defects: building defects can be very expensive to repair once work is completed. Buildings have a long life and defects may show up long after construction. It can be difficult for an owner to determine who is at fault and obtain redress.

Questions for the consultation

1. What do you think the primary focus of the building consent system should be?

To ensure that building designs, building systems and materials meet (or exceed) the quality and performance standards required under the Building Code so buildings are safe, durable and perform as intended.

The consenting system should ensure a nationally consistent approach to building and building standards within clear guidelines as to documentation, level of detail and information required to process building consents effectively and efficiently.

The documentation submitted for a building consent should be sufficiently robust, with products/systems/detailing fully resolved (without ambiguity and/or information 'gaps') to allow for the construction phase undertaken by the builder to be a straightforward exercise.

Unresolved details and incomplete documentation sets can be a significant issue for builders. BCA's have a critical role to play as gatekeepers to ensure that poor Detailed Design documentation (as submitted for Building Consent) is not consented. The consenting process is a critical quality control point for building design.

The role of government in the building process varies around the world:

- Some countries delegate specific roles to private third parties, such as the review of plans, conducting risk assessments of projects or carrying out inspections during construction.
- Australia allows private building surveyors to directly oversee building design and inspection.

General questions

- Nearly all countries surveyed by the World Bank Doing Business report allow private third-party inspections. However, the task of issuing the final permit (the equivalent of the code compliance certificate) remains largely the responsibility of local authorities.

2. What role should government have in providing assurance that buildings are healthy, safe and durable?

Government “sets the rules” in the Building Code for building performance and requirements that must be met to ensure durability, safety and appropriate quality of buildings. This should not just provide a minimum standard.

The Government must also support and encourage innovation in building systems and use of new material and technologies to improve building design and construction, reduce building costs and improve productivity in the sector. This is not something that can be left to individual consenting authorities to determine - it is not their role.

The Building Code could be expanded to include a range of measures and standards to enhance building performance. Suggestions include:

- *Insulation*
- *Ventilation*
- *Air tightness*
- *Carbon neutrality*
- *Thermal bridging reductions*
- *A materials durability measure*

The expansion of CodeMark and recognition of international product certification systems would broaden the range of products/systems that can be used in New Zealand, while providing surety about their durability/performance. This would provide the opportunity for greater competition in the building supply market. The current product certification process is too expensive and time consuming and acts as a barrier to entry for alternative products given the small scale (relatively) of the NZ market.

The Building Research Levy could be used more effectively to facilitate entry to market of a range of products and systems to improve outcomes for all.

3. Are there any building consent functions that could be delegated to or provided by another party?

Yes

No

Not sure

If so, please explain your response.

NZCB agrees that greater time efficiencies could be provided by removing the need for multiple inspections of the same building aspect, through delegating authority to others (rather than BCA building inspectors) to sign off on completed works on site. Examples could include:

- *Allow for basic Specific Engineering Design (SED) elements to be signed off by a suitably qualified BCA building inspector, rather than an engineer;*
- *Builder provided Record of Works, to help avoid the need for multiple inspections of the same building aspect;*

- *Recognising a CPEng inspection (and PS3) of a Structural or Fire element as a substitute for a building inspection; and*
- *Extending the LBP scheme to include an advanced category with the necessary trade qualifications, knowledge and skill to permit sign off on specified work consistent with the qualifications held. This could be aligned with requirements/ qualifications/ training for building inspectors.*

This would simplify the inspection process, to speed up construction and remove a significant inhibitor to productivity, waiting around for signoffs of completed building elements.

A general comment is that documentation provided to BCAs should not be produced to a minimum, the goal should be to exceed, noting that often the documentation provided is often excessive and inserted as 'filler' that contributes to an overly large set of documentation i.e., designers throwing the kitchen sink at the documents in a general sense, while overlooking project specific detailing. Another aspect to this is that there is an issue with manufacturers leaving it to builders to find the detailing for drawings, or installation instructions for the build, via a supplied link to a website, or worse; the builder is left to find the material themselves, which if a NZ Standard applies, comes at a cost to the builder. Instead, the details and/or instructions should be provided in the documentation submitted to the BCA.

Section 2: Desirable outcomes

MBIE has identified four critical outcomes that the building consent system should primarily seek to achieve.

Outcome 1: Efficiency. The building consent system is efficient in providing assurance to building owners and users. It is risk-based, has proportionate compliance costs, and allows for innovation.

Outcome 2: Roles and responsibilities. Roles and responsibilities are clear and based on participants' respective ability to identify and manage risks. All participants across the system have a good understanding of their own responsibilities and the extent they can rely on others for assurance.

Outcome 3: Continuous improvement. The system is responsive, flexible and agile, and seeks to continually improve through performance and system monitoring, good information flows and feedback loops.

Outcome 4: Regulatory requirements and decisions. Regulatory requirements are clear, and decisions are robust, predictable, transparent and broadly understood.

Questions for the consultation

4. Do you agree these four critical outcomes are necessary to ensure the building consent system provides high levels of assurance to the public that buildings are healthy, safe and durable?

Yes Somewhat No Not sure

Please explain your views.

Consistency in approach from BCAs nationwide - see commentary provided under Q 28. Also consider expanding the performance requirements within the Building Code to lift building performance and deliver better outcomes.

5. Are there any other outcomes that are critical to ensure buildings are healthy, safe and durable?

Yes No Not sure

Please explain your views.

Consistency in approach from BCAs nationwide - see commentary provided under Q 28. Also consider expanding the performance requirements within the Building Code to lift building performance and deliver better outcomes.

6. How well is the system currently performing against the four identified outcomes? Please explain your views.

	Poor	Fair	Good	Very Good	Excellent
Efficiency	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roles and responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Continuous improvement	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regulatory requirements and decisions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain your views.

Efficiency – not performing well. Could be improved by:

- *Rationalising of inspections as per points made in Q3.*
- *Greater adoption of remote inspection technologies.*

General questions

- *One common consenting processing system with standardised consent forms and processes applied across New Zealand. For a country of 5 million people, we have too many different systems, inconsistent requirements and bespoke processes.*
- *Enhancing competition in the building supply chain through better access to a broader range of products that are accepted.*

Roles

- *needs more clarification between design, consenting, building and homeowner roles and responsibilities.*
- *Government needs to be clearer in its role and more active about setting parameters and providing leadership and direction. In particular; facilitating, supporting, and enabling innovation in the sector and allowing entry of new/alternative products/ building systems. This will improve the opportunity for greater competition and enable faster take up of new technology/building systems/products.*
- *Government should also take responsibility for ensuring there is one common/ national consenting system that is coherent and applied consistently across NZ. This could be done through one national consenting system applied across the country.*
- *The checks and balances re monitoring and inspection need to be maintained at the local level. But this could be both simplified and standardised based on complexity of design and risks.*
- *BCAs role in the consenting system could be simplified and the parameters better clarified.*
- *Outlining the homeowner's role and responsibilities regarding the Building Consent process, while increasing information/education available would be valuable.*

Continuous improvement

- *BCA staff, designers and builders alike should commit to continuing professional development. Designers and builders require this for their respective accreditations/licences, does the same apply for BCA staff?*
- *Communication between Building Consent officers and submitters of building consents, could be improved*
- *The feedback loop between what is happening on the ground and the functioning of the regulatory system is inadequate. There is no obvious continuous improvement process or pathway. Responses tend to be reactive in response to risk/failure rather than proactive. There is little agility in the current system. It is fragmented and dispersed with no ability or authority to respond at a macro level.*

Regulatory requirements

- *Fragmented delivery and highly variable in terms of quality and competency. Inconsistency in consent processing, inspections and CCC processes need to be addressed.*

- *Simplifying and refocussing the building consenting process to better reflect risk is key. Schedule 1 is a good start but is insufficient. The consenting system needs to distinguish between straightforward building work using standardised systems and well-known products and more complex systems with greater risk and/or new technologies/products. There is a need for categorisation (triage) at the front end based on technical complexity and risk. Different consenting pathways can be followed for different categories of complexity.*
- *There are a range of delivery options to consider that would make the consenting system much more efficient and effective. Specialist, critical, high-level skills (often in short supply and expensive) could be provided centrally and more cost effectively to the benefit of all. (Not all hospitals provide specialist medical treatment).*
- *BCA's often cannot find the detail they seek confirmation on RFI, within the drawings due to the size of the drawing sets.*

Section 3: Issues with the current system

MBIE has identified five issues that are constraining the ability of the system to achieve the desirable outcomes expected of this system. In turn, this compromises the ability of the building consent system to provide assurance that building work will be 'done right the first time', thereby ensuring that buildings are well-made, healthy, durable and safe.

Many of these issues are complex and long-standing. While these issues are presented separately, they are intrinsically related and collectively affect the performance of the overall system.

We welcome your feedback on these issues and other any other issues. In particular, what is the cause of these issues, what are their impacts, how could a better consent system address these, and what would that system look like?

Issue 1: Roles, responsibilities and accountability

Roles and responsibilities across the system are not always well understood, accepted, applied or consistently enforced. There is sometimes an over-reliance on building consent authorities to provide assurance of compliance with the Building Code.

Questions for the consultation

7. How well understood are roles and responsibilities across the sector?

Very poorly understood	Somewhat understood	Understood	Well understood	Very well understood
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain your views.

Homeowners generally have little knowledge of building design and building practice. They are heavily reliant on the designer, builder technical specialists and consenting monitoring/inspection process. It is not clear that the responsibilities of each of the roles (and boundaries) are well understood by all parties.

Getting the design right at the front end is key.

A big issue for builders is that poor design documentation can make it through the Building Consent process. Often key detailing is not there and there is an expectation that the builder will fill the gaps on site, which unfairly transfers risk to the builder, and adds time to the building process. A builder's perspective is that a designer's role and responsibilities are not well understood, nor is the BCA's role and responsibilities in ensuring that drawings are a complete set of 'how to build' instructions for the builder to follow. Likewise, the role of the builder to build to the plans as required, should be clearly outlined. The key is to ensure that the plans can be worked off.

8. Does the building consent system allocate responsibility appropriately to those best able to identify and manage the associated risks?

Yes Somewhat No Not sure

Please explain your views.

If the building is design well with the right details, it is easy to consent, cost and build, with allocation of responsibility appropriately balanced. However, this is often not the case due to inadequate design (see commentary in Q 7).

RFIs are also often used to compensate for lack of knowledge and technical skill in BCAs as well as lack of capacity to get the work done within the timeframes required.

9. Does the building consent system provide sufficient incentives for each party to meet their responsibilities and 'get it right the first time'?

Yes Somewhat No Not sure

Please explain your views.

No, the variability that exists across New Zealand's BCAs (and even within them) does not incentivise good practice.

NZCB certainly subscribes to the 'get it right first time' philosophy. But this is not what happens in practice. Poor documentation and design that gets consented is one issue. Equally, poor documentation that generates multiple RFIs (often quite rightly) creates another issue. Both create stress and adds to time and project cost.

General questions

An emphasis on well-designed buildings that are constructed by appropriately qualified and experienced builders, with documentation and construction that seamlessly works its way through the building consent and CCC process, should be the ideal. Ways in which to incentivise that ideal should be investigated.

10. Should other parts of the sector (outside of building consent authorities) have a greater role in providing assurance that buildings are safe, durable and healthy? If yes, what would the risks and mitigations be?

Yes

No

Not sure

Please explain your views.

Yes. Product manufacturers and suppliers can play a greater role in providing assurances via PS 2 and PS 3 production, with that documentation negating the need for a building inspector to monitor a products installation (as occurs currently). Examples of this in practice include fireplaces being installed by a qualified person, though the BCA still inspects; while steelwork is inspected on site by a qualified engineer, though that steelwork still needs to be inspected by the BCA.

There is a role for third-party inspectors to undertake inspections for the BCA, on the proviso that those practitioners were appropriately qualified and experienced.

If yes, what would the risks and mitigations be?

11. Are some parts of the sector more prepared than others to take on more of the responsibility for providing assurance?

Yes

No

Not sure

Please explain your views.

Specific Engineering Design (SED) is one area in which there is opportunity for the originators of product/system design could be accountable for its certification, The relocation that exists via BCA Building Inspectors signing off work certified by a CPEng appears to be unnecessary. Builders would be more willing to take on additional responsibility of assurance if the accompanying incentive was fewer consenting impediments for the builder to navigate their way through.

Section 3: Issues with the current system

Issue 2: Capacity and capability

Building consent authorities face capacity and capability constraints in dealing with an increased volume and complexity of building work. Sector workforce capacity and capability constraints can also undermine the performance of the system.

Questions for the consultation

12. How significant are building consent authority capacity and capability constraints on the performance of the system?

Not significant at all	Somewhat significant	Significant	Quite Significant	Very significant
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please explain your views.

Very Significant. BCA are finding it difficult to keep up with the current (record building consent volumes) workload, and to attract and retain appropriately qualified and experienced staff. The quality of building inspectors is variable, which leads to inconsistent approaches and applications of the consenting process. This inconsistency leads to an adversarial approach, rather than a partnership approach between BCA and designer and/or builder.

The variability issue is viewed as being one of the biggest inhibitors to a high performing building control system. Every BCA has different processes, forms, and ways of lodging consents. NZCB’s recommendation is that a common consenting system is required, through which all consents across New Zealand are processed online via standardised forms for residential, commercial, new build, alterations etc. Such a system would free up councils to have more time for inspections (physical or remote), it would eliminate the variability of approach that exists between BCAs currently, and it would streamline the consent process. A common consenting system approach could be staged. In first stage, the common consenting system could be provided by individual BCAs, with the second stage being a fully centralised system, which would free up councils to have more time for inspections (physical or remote). Stage 2 would also eliminate the variability of approach that exists between BCAs currently, and it would streamline the consent process.

What are the most significant impacts of building consent authority capability and capacity constraints on the performance of the building consent system? Please explain your views?

General questions

13. How significant are sector workforce capacity and capability constraints on the performance of the system?

Not significant at all	Somewhat significant	Significant	Quite Significant	Very significant
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please explain your views.

This is a critical issue. The system is operating at capacity currently, which creates pressure that in turn leads to details getting missed and ultimately, substandard building. Smaller BCA are struggling with their resourcing, meaning that consents are not being processed inside their regulatory frameworks which has a flow on effect to builders, clients and subbies causing stress and financial problems to builders and homeowners.

What are the most significant impacts of sector workforce capability and capacity constraints on the performance of the building consent system? Please explain your views.

14. How could the impacts of capacity and capability constraints be mitigated?

- *One common consenting system and standardisation of documentation and inspection requirements (this could be centralised using technology at some stage).*
- *Focus on risk and complexity rather than process. The consent processes and requirements should reflect the risk involved in the building design. Differentiate between straightforward standard building designs and more complex designs and new products. Streamline processes and requirements accordingly.*
- *Monitoring and inspection done at the local level but again streamlined. Use technology and remove duplication.*
- *Independent building inspectors contracted to the BCA as an additional resource.*
- *An emphasis on better quality design up-front, which will speed up consent processing times.*
- *Reducing the doubling-up of inspections by both qualified certifiers (such as engineers) and BCA building inspectors for SED elements.*

General questions

15. Are there any barriers to a more efficient use of technical expertise across the system?

Yes

No

Not sure

Please tell us what these barriers might be.

The main barrier to increasing utilisation of technical expertise for aspects such as self-certification to reduce reliance on BCAs, is the expectation of risk and liability being passed to those who provide the assurance. There is little appetite for taking on that additional risk and liability, without their being an appropriate inducement to do so. That incentive could be through streamlining of the process for those who have demonstrated their design or construction qualifications and expertise. The LBP Scheme could be expanded to include the skills/experience/knowledge required to do this.

Many BCAs lack critical mass of technical expertise and specialist skills. Centralising/consolidating these skills so that they can be accessed and used nationally to handle more complex building designs and/or new building systems products would improve efficiency and productivity along with consistency of decision making. It would also provide better information on changes and challenges in building design and emerging trends that would enable/support a more agile and proactive approach to ensuring the building regulatory system is fit for purpose.

Section 3: Issues with the current system

Issue 3: System agility

All consents go through the same basic process, which is not always responsive to the level of risk, complexity of the building work, or type of project. The current system does not always deal well with new or innovative practices or products or the design-and-build approach. Nor is it sufficiently responsive to the building needs and aspirations of Māori.

Questions for the consultation

16. Do you agree that the consent system is not sufficiently agile for the way in which we design, procure and build today and in the future?

Strongly disagree

Disagree

Neither agree or disagree

Agree

Strongly agree

Please explain your views.

Yes, agree that the consent system is not sufficiently agile. The main areas to consider:

General questions

- *Minor variations should be able to occur with the discretion of a building inspector. A simple note on the file should be sufficient when there is no risk to the structure, with agreement between competent builder and building inspector.*
- *Treating standard designs on flat sites in a different manner to those with complex designs and/or difficult sites. The level of analysis is very different, though the system requires the same procedure to be followed whatever the level of site/design complexity.*
- *Though the current consenting system flexibility for BCAs to issue modifications and waivers as they see fit, this is only occurring for low-risk work (and even then the use is variable across BCAs as per the point above), there is reluctance to consider new products or innovative new approaches and/or systems, as they deviate from the tried and proven that the recent Commerce Commission report established is the prevailing philosophy adopted by BCAs and designers alike.*
- *Also see 15 above reference to creating a critical mass of specialist technical skills to support greater agility and performance of the consenting system.*

If you agree, how does rigidity in the building consent system impact consenting outcomes and productivity in the building sector?

17. What changes would you suggest to the building consent system to make it more agile?

Have one consenting system. It can be accessed and delivered locally or nationally but it needs to be coherent and consistent, with standardised documentation and focussed on the right things. Digital technology makes this possible in a way that was not available when the consenting system was set up.

Currently there are several different digital consenting systems used by BCAs across New Zealand. These are highly variable in terms of performance, effectiveness and requirements. This adds considerable cost to those undertaking building design and building work across different local government areas. It is also a barrier to BCAs being able to share data and/or work collaboratively to improve each BCAs processes through formative feedback from internal and external users alike.

One on-line national consenting and processing system would be the long- term goal. In the short term a national hub for complex consenting that is resourced with a team of appropriately qualified and experienced assessors (working online) is recommended as a way to address critical skill shortages and improve the consenting system.

Differentiating consenting process requirements based on risk and build profiles would enable greater efficiency and more effective use of resources as well as reducing time and costs of the consenting system overall. Straightforward consents could be dealt with quickly and more complex technical designs and/or new building systems would be assessed by those competent to do so. Complex designs would necessarily require a more complex process with greater collaboration/communication between designers, assessors, builders and technical experts. The knowledge and understanding gained from this process can be applied sector wide so there is no

General questions

need to 'reinvent the wheel' and a nationally consistent approach can be achieved. This would also make it easier for new building systems/products to enter the market.

Whether the digital consenting system is regional or through a national portal it should be able to assess and process additional engineering details/changes that may be requested, as a simple variation (as opposed to being treated as a whole amendment or variation), with simple product or material substitutions likewise being covered by a simple submission process.

Splitting consent into two parts - structure at national level, regional inputs (daylight set-backs etc.) as stage 2, as would be inspections.

National searchable database for products/systems - linked with CodeMark and other third-party accreditation registers. Is there a better use of the BRANZ administered Building Research Levy.

18. Does the current building consent process constrain or limit the use of traditional Māori methods of construction?

Yes Somewhat No Not sure

Please explain your views.

BCAs interpret usage of traditional Māori methods of construction separately, as it does not meet standard processing guidelines. A centralised processing unit would allow for the scale to be able to develop consistent approaches to assessing and providing for projects that incorporate non-standard construction techniques.

For traditional Māori methods of construction specifically, a government directed set of policies would need to be developed, with policies being informed by broad consultation with regional Iwi initially, with a mechanism developed to allow for ongoing dataflow of agreed performance measures back to the centralised building consent processing centre that this submission recommends.

19. Does the current building consent process add constraints to the development of Māori-owned land that other landowners don't face?

Yes Somewhat No Not sure

Please explain your views.

The main impediment appears to be in the requirement for owner consent to be provided, which can be problematical.

20. What Māori perspective or set of values do building consent authorities need to take into account when considering and processing consent applications for iwi/hapū/Māori-led building and construction projects?

Larger BCA's should ideally have an inhouse expert, while smaller BCAs should have established relationships with consultants who can assist them in their engagement with local Iwi, to ensure that assessment of projects for which a Māori perspective or set of values is sought, are provided

for. A centralised building consent processing centre would provide the necessary scale to provide for this in a consistent manner.

Section 3: Issues with the current system

Issue 4: Performance monitoring and system oversight

The performance of the system is insufficiently monitored, and information flows are poor. MBIE is not yet the strong central regulator that was contemplated in the original system design.

Questions for the consultation

21. What can be done to improve monitoring of the building consent system?

Use of a standardised system across New Zealand is required, which measure, report on, and review agreed performance metrics. This will allow for solutions developed in one region, to be shared with another. This would alleviate the frustration that occurs when a set of plans or a system/product that has been accepted by one BCA, is interpreted differently, or at a minimum, needs to be assessed through a separate local lens. A centralised building consent processing centre would provide this.

A quick improvement to implement would be for BCAs to provide a dashboard on their websites that provided live updates on timeframes for building consent processing, inspection, and CCC issuing.

22. What information or data relating to the consenting system performance would you find useful?

More granular data that covers elements such as the following in an easily digestible format:

- *Building type.*
- *Project scope.*
- *Project type i.e., a group home, bespoke build etc.*
- *How many un-actioned consents are currently live and how old they are.*
- *Areas in which building inspection fail.*
- *RFI themes.*

General questions

23. Are you aware of any barriers to collecting and sharing information across the sector?

Yes

No

Not sure

Please explain your views.

The different digital platforms or software that are used across the country's BCAs. The EDocs system that is used by QLDC is viewed as being a good example that allows for all property files to be viewed online, while the system that Gisborne Council uses a system that does not provide this functionality.

24. Are you aware of additional data and information sources that we could be using to inform our understanding of the system performance?

Yes

No

Please explain your views.

Developing a standard digital system that would be accessible to the designer, builder, homeowner, which could provide point in time data on their project. The system could provide data on the following elements:

- *Site variation and amendment data.*
- *Length of time to CCC from build start, by building type.*
- *A sentiment feedback loop linked to every consent – anonymous and consistent across all regions.*
- *Checking the number of days in consent process before RFI are issue.*
- *Days waiting for inspection.*
- *Time frame for CCC paperwork*
 - *Before CCC inspection; and*
 - *Time to get the CCC issued.*

25. Is there anything else MBIE could do to better meet its system oversight and stewardship responsibilities?

- *Educational role*
NZCB see MBIE having a role to play in providing high quality educational material to the industry. This is particularly pertinent at times of change, such as the new H1 requirements coming into force.
- *Promoting efficiencies and new technologies*
Encouraging greater usage of remote inspection technologies such as Artisan, including guidance to builders on how the system is used.
- *Ian C. Allow builders to use Artisan as a Quality Assurance system, which will help create a pathway to greater usage of remote inspections.*

Section 3: Issues with the current system

Issue 5: Fragmented implementation

The processing of building consent applications is devolved to territorial authorities who are building consent authorities, which has led to variability and unpredictability in the consent process and its outcomes. This fragmentation adds to the overall costs of the system due to duplication and variable processes, tools and functions being implemented across building consent authorities, and difficulties maintaining a professional workforce.

Questions for the consultation

26. Building consent processing is devolved and carried out by individual territorial authorities under the current system. How does this structure affect the consenting performance and building outcomes?

As covered already in this submission, NZCB members are frustrated with the variability of BCA performance within individual BCAs, let alone the variability between BCAs and the different systems and software that they use. A centralised building consent processing centre is proposed as a good solution.

27. What aspects of the current consenting system structure work well?

The system works well when a BCA is well resourced with appropriately qualified and experienced staff and uses a good digital building consent system. These BCA models do exist, though too often this is not the case.

NZCB is supportive of MBIE's new Modular Component Manufacturer scheme, believing that this is a positive development.

28. What aspects of the current consenting system structure do not work well?

Along with inconsistency in approach:

- *The amendment process should be simpler than it is - too much paperwork required.*
- *Inadequate review of the construction documentation that is submitted for building consent.*
- *Issuing of 11th hour RFIs.*
- *IANS Audits are making BCA more risk adverse every year.*
- *The applicant not being provided with the BCA processor's contact details.*

General questions

29. How does the current devolved consenting system structure impact consent applicants and building owners?

- *Consenting delays are frustrating, while poor documentation that receives building consent, leads to increased costs as the gaps are filled during the construction stage.*
- *Often there is a lack of communication between the BCA and designer/builders, which has a major impact on the builder/client relationships. A system that would allow for the builder to see where the consent or inspections are at any point in time would be beneficial.*

30. What improvements or changes are required to the current consenting system structure to reduce fragmentation in implementation and deliver better consenting outcomes?

- *A process that allows for the fast tracking of consents for documentation sets that demonstratively work (have been used previously) and/or represent a thorough and complete set of documents as provided by a designer who has earned a reputation of trust with the BCA.*
- *Wider adoption of agile building consent processing software that incorporates useful workflow thinking.*
- *The adoption of a partnership approach between BCAs and the client/designer/builder.*
- *Allowing building inspectors greater ability to approve changes on site. This will reduce paperwork and speed up time frames.*

31. Is there any duplication or overlap between the building consent and resource consent processes, or any other legislation?

Yes

No

Not sure

Please explain your views, including any impacts.

There is not enough overlap between the Resource Consent and Building Consent processes. Greater connectivity between the administrators that sit within the BCAs Resource Consent and Building Consent functions would be useful.

32. How could the relationship between the building consent and resource management systems be improved?

- *Greater alignment between the rules of Local and Regional Councils regarding infrastructure requirements (currently, these can differ).*
- *Decoupling minor breaches of earthmoving rules (volume of earthworks, excavating close to a boundary) within the District Plan, from being a Resource Consent trigger, to being a Building Consent trigger.*
- *Ensuring that planning overlay is undertaken during the Building Consent stage, to avoid a planning omission being picked up post Building Consent.*

General questions

33. Do you have any other comments?

NZCB is supportive of MBIE's stated direction to adopting a whole of life approach to risk and liability, by focusing on "ensuring inputs into the building process are high quality, rather than focusing on liability and culpability when things go wrong" (Page 22 of Policy Position Statement). Our submission reflects this alignment, as does our membership, who are required to have completed a New Zealand Certificate in Carpentry Level 4, as a prerequisite of membership.

Raising standards and ensuring that practitioners across the supply-chain are appropriately qualified and experienced, is important to us and we like the direction MBIE is taking to focus on raising performance rather than concentrating on risk allocation that occurs due to poor performance. A goal of BCAs should be to engage collaboratively with designers and builders, a 'supportive team' approach should be encouraged.

NZCB is happy to assist further, should MBIE seek forums to test future thinking on specifics.