
BUILDING CONSENT INFORMATION

Information on Project Information Memoranda, Building Consent Applications, Inspections and Code Compliance Certificate

The Building Act:

The Building Act 2004 provides for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards, to ensure that:

- (a) People who use buildings can do so safely and without endangering their health; and
- (b) Buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and
- (c) People who use a building can escape from the building if it is on fire; and
- (d) Buildings are designed, constructed, and able to be used in ways that promote sustainable development.

To achieve this purpose, the Act requires anyone proposing to do building work to obtain a Project Information Memorandum and a Building Consent from a Building Consent Authority before commencing building work.

Who administers the Building Act?

The Department of Building and Housing is the government department responsible for administering the Building Act 2004.

What is a Building Consent Authority? (BCA)

Building consent authorities are regional or territorial authorities or private organisations registered under section 273 of the Building Act 2004, and are responsible for performing building control functions under Part 2 of the Act.

What is a Project Information Memorandum? (PIM)

A Project Information Memorandum (PIM) is a memorandum issued by the Council under section 34 of the Act and sets out information relevant to your building work.

The information is provided on a prescribed form and is required to include all such information known to council which may be relevant to the project or site. This includes potential for:

- Erosion
- Avulsion (removal of land by water action)
- Falling debris
- Subsidence
- Slippage
- Alluvium (the deposit of silt from flooding)
- The presence of hazardous contaminants which are likely to be relevant to the design, construction or alteration of your proposed building which are known to Council.

Details of stormwater or wastewater utility systems which may relate to your project or site will also be included (where applicable).

A Project Information Memorandum also identifies any additional approvals required such as:

- Resource Management Act
- New Zealand Historic Places Trust (heritage buildings / sites)
- New Zealand Fire Service Commission

The memorandum also includes:

Confirmation, subject to other provisions of the Act that you may carry out the building work subject to

- The requirements of the building consent, and
- All other necessary authorisations being obtained.

A Project Information Memorandum **does not** give any form of approval under the District Plan or Building Act.

Contact the Planner, or your own planning adviser, to determine whether your proposal complies with the District Plan. If it does not, and resource consent is required, you are strongly advised to obtain this before seeking building consent to avoid possible expensive changes to your proposal.

Do I need a Project Information Memorandum?

Yes, all applications which require Building Consent also require a Project Information Memorandum. This can be applied for separately or in conjunction with your building consent.

How to apply for a PIM

An application for a PIM must be made on the PIM/Building Consent application form which is available from our council office. This form must be completed in full, signed and dated before being submitted.

Documentation required

All applications must be accompanied by 2 copies of;

- The site plan,
- Floor plan,
- Foundation Design
- Bracing Schedule
- Building elevations and,
- Proposed drainage plans.
- Producer Statement (specific design)
- Specifications
- Certificate of title

How long does it take?

Council is required to issue the PIM within twenty (20) working days of application being received, however, depending on workloads, this may be earlier.

NB: Providing all fees are paid, the PIM will be posted to the applicant when it is issued. If the PIM is applied for with the Building Consent the timeframe for the issue of both is 20 working days.

Sometimes it may be necessary for Council to obtain further information from you to enable processing of your PIM to be completed. In such cases the Council will contact you within 10 days of receiving the PIM application with a formal request for further information.

The Council has 10 working days from when this information is received to issue the PIM.

What is a Building Consent?

A Building Consent is the formal approval issued

by a Building Consent Authority (BCA) that certain works meet the requirements of the Building Act, Building Regulations and New Zealand Building Code.

You cannot undertake any building work that requires a building consent without this approval. Most building work requires a building consent but some minor work is exempt under the Act.

Exempt Work

Exempt work is listed on Schedule 1 of the Building Act. This may be viewed on the web on <http://www.dbh.govt.nz/bc-building-act>.

When is a Building Consent required?

A building consent is required for most work including:

- Swimming pools, spa pools and swimming pool/fencing
- Retaining walls over 1.5m (no surcharge)
- Retaining walls any height incurring a surcharge
- Decks over 1.0m high
- Pergolas attached to buildings
- Free-standing non-habitable buildings larger than 10m² or less that its height from the boundary or a dwelling
- Plumbing and drainage work including replacing hot water cylinders
- Demolition
- Relocation
- Additions, alterations to existing buildings
- New buildings
- Change of use
- Heating including fireplaces, ventilation and air-conditioning systems
- Small dams (less than 35,000 litres of water)

For guidance or further information please call 07 306 9009.

How long does it take to get a Building Consent?

Building Consent processing time depends on the complexity of your project and whether or not you have provided us with sufficient information.

All Building Consents are required to be granted within 20 working days, however; if information submitted is deficient the time clock is stopped

and a written request will be made for further information. The time clock is not restarted until the requested information is received.

It is possible that your Building Consent application requires checking by several disciplines; it is possible therefore, that the clock maybe stopped on more than one occasion if information is deficient.

How do I Apply for a Building Consent?

You will need to complete an application form and provide information that is relevant to your building project.

Information is contained within an application pack which can be obtained from:

- Council's office at 1 Ranfurly Court, Kawerau, or
- Call us and we will post one out to you.

Once you have gathered all the necessary information you can either post in the application or bring it in personally to our office.

On receiving your application a vetting officer will check your application to ensure all relevant information has been provided.

Please Note: this is not a technical assessment but merely a check to ensure all necessary information has been provided.

If all information has been provided your application will be entered in to the processing system. The clock starts on the day the application has been accepted. If your application is incomplete, it will be returned with a list advising the type of information that is required.

What sort of information do I need?

Building consent applications can be complex; we recommend that you engage a professional person to help with design work and drawings. Each application must be accompanied by the appropriate fee and 2 copies of :

- The site plan,
- Floor plan,
- Foundation Design
- Bracing Schedule
- Building elevations and,

- Proposed drainage plans.
- Producer Statement (specific design)
- Specifications
- Certificate of title
- E2 risk matrix (demonstrating weather - tightness features)

How do I Lodge My Building Consent Application?

You can lodge your building consent in person or via the post. We recommend that you lodge your application in person. Your application will be formally accepted the day the vetting process has been completed (subject to all information and fees being provided).

How is My Application Processed?

All applications regardless of how they are received are put through a formal vetting process. The vetting process is not a technical check it is merely a check to see if all information has been provided. Your application maybe rejected at this time if insufficient information has been provided.

Once the application has been vetted and accepted as complete, it is then receipted and entered into the processing system. At this point the 20 working day time clock is started. The application is then allocated to the Building Control Officer or contractor for technical assessment and for processing.

Your application will be thoroughly checked and assessed for compliance with the building code. If there are any questions or concerns a letter will be sent to you requesting further information or clarification. We will endeavour to put all questions in one letter.

When a request for further information is sent the 20 working day time clock is stopped and processing is suspended until this information is provided.

Once the Building Consent Authority are satisfied that compliance with the building code is achieved, then a final check is made to ensure all work has been assessed correctly before the building consent is granted or refused.

Once this approval or refusal is given an invoice is generated for any balance of fees payable

(inspections, code compliance certificate, etc).

Upon payment of these fees, the consent will be issued (or refused).

How Much Will it Cost?

This depends on the type of application and the cost of the proposed work. Our charges are based on the broad band categories and include costs such as:

- Levies payable to the Department of Building and Housing (payable on all applications over \$20,000)
- Levies payable to BRANZ (payable on all applications over \$20,000)
- Issue of code compliance certificate
- Issue of compliance schedule charged separately (if applicable)
- Vehicle crossing / Damage Deposit (refundable on completion)
- Street damage deposits (refundable on completion)
- Water meter connection (if applicable)
- Sewer connection (if applicable)

An estimate of the fees involved may be provided, however the final cost will not be known until the application is processed. A cancellation fee may apply if you withdraw your application to cover administration costs.

How Will I Be Notified?

When your building consent is ready for issue and all fees are paid your building consent will be posted to the contact person nominated on the application form. You will also be notified in writing if your application is refused.

If there are outstanding fees then you will receive an invoice advising you that your building consent is ready and will be issued when all fees are paid.

If your application has been refused then a letter will be sent advising you why your application has been refused.

What are the Building Consent Conditions?

There may be conditions imposed on your Building Consent which are deemed necessary to ensure compliance with the building code. For example, all building consents are issued subject

to the condition that officers of the building consent authority are entitled at all times, during normal working hours, or while work is being done, to inspect building work that is being carried out.

Sometimes conditions may be imposed requiring specialist inspections to be undertaken.

It is important that you read and understand all conditions of the Building Consent before commencing work. If you do not understand any condition imposed, please contact us to discuss these.

How Long is My Building Consent Valid For?

Building consents are valid for 12 months from the date of issue. Work must have commenced within the 12 months or the building consent shall lapse requiring a new application.

You are required to apply for a code compliance certificate as soon as the building works are complete, or within 2 years from the date that the building consent was issued. If the project has been delayed, it may be possible to apply for an extension to this time.

Who does inspections for the Kawerau District Council?

Tony Moller

Building Control Officer

Email: tony.moller@kawerau.dc.govt.nz

You may also be inspected by a contractor if Tony is away or your consent is complex and needs specialist attention.

What inspections do I need?

When your application is being processed we will also assess your project to determine what inspections will be necessary to enable us to be satisfied on reasonable grounds that compliance will be achieved. Each inspection will be identified along with the requirements for that particular inspection. A list of inspections will be attached to your building consent.

Inspections by Others

Sometimes it is necessary for specialists to

conduct inspections in addition to the inspections carried out by the Building Consent Authority. If a specialist inspection is necessary you will generally be advised before the consent is issued. Typically these types of inspections may involve having a geotechnical engineer confirm ground stability, or having an aspect of specific structural design checked by a registered engineer.

Please ensure you read inspection requirements and are familiar with them before commencing work.

How do I book an inspection?

Building inspections are booked by contacting the BCA Administration Assistant –

Phone 07 306 9009.

Inspections can be undertaken Monday – Friday 8.30am to 4.30pm (excluding public holidays).

You will be required to provide us with the following information when booking an inspection:

- Site address
- Building consent number
- Name and phone number of contact person on site
- Date and time the inspection is required
- Type of inspection, i.e; plumbing, drainage, foundation, pre-slab, preline, etc.

NB: It is your (or your builders) responsibility to notify Council a minimum of 24 hours before you require an inspection.

How do I know if the Inspection has been passed?

For an inspection to take place, the approved plans and documentation must be available on site.

N.B: If we arrive on site and the approved plans and documentation are not available we will not undertake the inspection. We may however, bill you for our time.

On the conclusion of all inspections the outcome of the inspection is recorded on the site inspection form.

It is preferable that the owner or an agent be

available on site for all inspections, while we appreciate that this may not always be possible it is mandatory that for final inspections the owner or their representative is on site.

What if the inspection has not been approved?

If an inspection is failed, the work to be rectified will be recorded on the relevant inspection sheet and a site instruction will be issued. Another inspection will be required to inspect the remedial work.

If the work is not remedied to the satisfaction of the Building Control Officer, it is likely that a Notice to Fix will be issued.

What is a Notice to Fix?

A Notice to Fix is a formal notice issued by the Building Consent Authority advising that certain works have not been carried out in accordance with the Building Consent.

If a Notice to Fix is issued, you are required to address the issues identified within a prescribed timeframe to prevent further action being taken.

Enforcement of Notices to Fix is undertaken by the Council. If a Notice to Fix is issued, a letter identifying the process will accompany it explaining the process.

Do I need a Final Inspection?

Yes, all Building Consents require a final inspection before a Code Compliance Certificate can be applied for.

If you have not applied for a Code Compliance Certificate within two years from the date the consent was granted and can not complete the work within this timeframe it is essential that you contact us to discuss possible ramifications and to perhaps apply for an extension of time.

When all work has been completed in accordance with the Building Consent, other relevant certification has been received, and all outstanding fees have been paid a Code Compliance Certificate should be issued.

What is a Code Compliance Certificate?

A Code Compliance Certificate is the BCA's verification that all works undertaken comply with the Building Consent issued. It is an important document and should be retained for future reference.

It is mandatory to apply for a Code Compliance Certificate after all work has been completed.

After you have applied for a Code of Compliance Certificate, Council has 20 days to decide whether to issue or to refuse to issue a Code Compliance Certificate.

If you have not applied for a Code Compliance Certificate within two years from the date the building consent was granted, the BCA will inspect the work completed to establish whether it can issue a Code Compliance Certificate. The BCA will contact you after 22 months if we have not received a request for a final inspection or an application for Code Compliance Certificate.

What about issuing Code Compliance Certificates for Building Consents issued under the 1991 Act or that have not been issued by the BCA?

Providing we are satisfied that the building work complies with the building code and the provisions of the Building Act, then generally a Code Compliance Certificate will be able to be issued.

If the Council is not satisfied that Act provisions are satisfied or is not satisfied that reasonable grounds exist to enable the issue of a Code Compliance Certificate, then issue may be refused.

Should Council refuse to issue a Code Compliance Certificate and you consider that this is not justified then you may wish to approach the Department of Building and Housing (DBH) and obtain a Determination.

What is a Determination?

A determination is a binding decision made by the DBH. It provides a way of solving disputes or questions about the rules that apply to buildings, how buildings are used, building accessibility, health and safety.

Although determinations are generally sought because a building owner disagrees with Council about decisions made in regard to their building, a determination can be applied for by Council or by a neighbour who may be affected by building work.

Applying for a Determination

To apply for a determination you will need to fill in Form D1 and Part 1 of Form D2 which are available on the DBH website (www.dbh.govt.nz), and post this to DBH with your supporting documents and fee.

The cost of a Determination

The Department charges a fixed fee for determinations:

For single houses, attached houses, flats and apartments up to four units, and garages and sheds, the fee is \$281.25 (\$250 plus GST).

For all other buildings the fee is \$562.50 (\$500 plus GST).

How long does it take to get the Determination?

The Department is required to issue the final determination within 60 working days of receiving the application, or longer if agreed to by the parties.

The 60-day period does not include time delay while waiting for information or comment from other parties - the 'clock is stopped' during these times. If you can't provide the information by the date given, you may request an extension. The Department has the power to make the determination if the information requested is not provided in reasonable time.

Building work that may need to be done before a Determination is issued

If you have been sent a Notice to Fix about work that is unsafe, you must comply with this Notice. Otherwise, Council cannot require you to carry out building work related to the determination unless the Department agrees this is necessary.

Sales by Residential Property Developers - section 364

Section 364 of the Building Act 2004 introduces

important consumer protection measures covering the sale of household units by residential property developers or 'spec' builders.

It is an offence for a residential property developer to complete the sale, or allow a purchaser to take possession of a household unit before a Code Compliance Certificate has been issued.

A person who commits an offence under section 364 is liable to a fine of up to \$200,000. This fine applies to each household unit sold without a code compliance certificate.

Note: This legislation does not apply to contracts for sale and purchase entered into **before** 30 November 2004.

What is the reason for this?

People buying a residential property from a developer have a right to expect it to be completed and to comply with the building consent.

The onus for making sure a building complies with the building consent is on the developer as they have the control of the building process.

What is Meant by a Household Unit?

A household unit is a building or group of buildings intended to be used mainly for residential purposes and by one household (e.g., house, apartment or flat). It does not include a hostel or boarding house.

What Does Complete the Sale Mean?

'Complete the Sale' means accepting final payment and transferring the title. You can accept progress payments for the job.

How is 'Residential Property Developer' defined?

A Residential Property Developer includes any person who, in trade, builds or arranges to build a household unit for the purpose of selling it. This could include large developers, or builders or individuals building homes on 'spec'. It also includes a person who, in trade, buys a household unit from a builder or developer with the intention of selling it on.

Can you contract out of this requirement?

The Developer and purchaser may contract out of this provision but only on a form prescribed under the Building (Forms) Regulations 2004. This form (Form 1) makes the consequences of buying a property without a Code Compliance Certificate clear to consumers. It also advises consumers to obtain independent legal advice before signing. Copies of Form 1 are available from the DHH website www.dbh.govt.nz.

Commercial and Industrial Properties – Section 363 Public Premises.

If your building is open to the public, whether for free or payment of a charge, the building can not be used / occupied until a Code Compliance Certificate is issued. This is because public premises will generally have systems within the building which contribute to life, safety and well-being of the building user. (These systems are called specified systems).

In certain circumstances it may be possible to apply for a "Certificate for Public Use", which will allow parts of a building to be used by the public before the Code Compliance Certificate is granted. Each application will be considered on a case-by-case basis.

What are Public Premises?

Any building which is open to the public whether for free or payment of a charge, including:

- Shopping malls
- Cinemas
- Marae
- Camping Grounds
- Garages and Workshops
- Funeral Homes
- Office / Retail Complexes
- Rest Homes, etc

What is a Compliance Schedule?

A Compliance Schedule is a document issued by the Building Consent Authority for buildings that contain specified systems.

Specified systems include:

- Automatic systems for fire suppression
- Automatic or manual emergency warning systems for fire or other dangers

- Electromagnetic or automatic doors or windows
- Emergency lighting systems
- Escape route pressurisation systems
- Riser mains for use by fire services
- Automatic back-flow preventors connected to a potable water supply
- Lifts, escalators, travelators, or other systems for moving people or goods within buildings
- Mechanical ventilation or air conditioning systems
- Building maintenance units providing access to exterior and interior walls of buildings
- Laboratory fume cupboards
- Audio loops or other assistive listening systems
- Smoke control systems
- Emergency power systems for, or signs relating to, a system or feature specified for any of the above

From 31 March 2008, a single household unit will require a Compliance Schedule, if it contains a cable car or is serviced by a cable car.

A Compliance Schedule lists the systems and features, including the inspection, maintenance and reporting procedures needed to keep them in good working order. A Compliance Schedule must be kept on site and made available to Building Control Officers, Independent Qualified Persons (IQP's), Licensed Building Practitioners (LBP) and authorised agents.

What is a Compliance Schedule Statement?

A Compliance Schedule Statement is issued by the Building Consent Authority and serves as temporary notification of compliance schedule requirements. It will list the inspection, maintenance and reporting procedures necessary to keep the specified systems in good working order. It is issued at the same time as the Code Compliance Certificate. It must be replaced in 12 months with a Building Warrant of Fitness, which is issued by the building owner to Council.

How do I obtain a Compliance Schedule?

A Compliance Schedule must be applied for at the same time a building consent application is made and will be issued with a Code Compliance Certificate by the Building Consent Authority for:

- New buildings (if the building has one or more

- specified systems), or
- An upgrade to an existing building or systems, required as a result of a change of use or alterations, which may also require a Building Consent.

What information do I need if I am applying for a Compliance Schedule?

Your designer should provide you with information relating to the performance standards for each specified system contained within the building. These performance standards will identify the inspection, maintenance and reporting procedures required for each system.

Can I be prosecuted for not obtaining a Compliance Schedule or if my Building Warrant of Fitness has expired?

Yes, depending on the alleged offence the fine can be up to 20,000 and further fines of up to \$2,000.00 per day if the offence continues.

What is a Building Warrant of Fitness (BWOFF)

A Building Warrant of Fitness (Form 12) is a statement issued by the building owner to Council stating that the requirements of the Compliance Schedule have been fully met.

The BWOFF must have attached to it all certificates of compliance issued by the Independent Qualified Persons (IQP) or Licensed Building Practitioner (LBP). These documents must be issued in the prescribed form (Form 12A) and certify that the inspection, maintenance and reporting procedures stated in the compliance schedule, have been fully complied with during the previous 12 months.

The BWOFF must be re-issued to Council on the anniversary of the issue of the Compliance Schedule (every 12 months) for the life of the building.

What documents should I keep regarding the Building Warrant of Fitness?

You are legally required to obtain written reports relating to the inspection, maintenance and reporting procedures of the Compliance Schedule

which must be signed by the Independent Qualified Persons (IQP) or Licensed Building Practitioner (LBP) who has carried out any of the listed procedures, (inspection, maintenance or reporting).

You are required to keep all reports together with the compliance schedule for a period of 2 years and produce those reports for inspection when required.

What is an Independent Qualified Person (IQP) / Licensed Building Practitioner (LBP)?

An Independent Qualified Persons (IQP) or Licensed Building Practitioner (LBP) is a person who is qualified to carry out any performance inspection, maintenance, reporting or recommendation on a specified system.

All Independent Qualified Persons (IQP) are required to be registered with Council.

The Licensed Building Practitioner programme will begin in November 2009. Approval and registration of Licensed Building Practitioner's (LPBs) will be maintained by the Department of Building and Housing. A register will be maintained in accordance with the Act to help the public

- Determine if a person is qualified
- Choose an appropriate LBP, and
- Identify which LBP's have been disciplined within the last 3 years.

Complaints

What happens if I am unhappy about any decision made by the Building Consent Authority?

A customer has a right to appeal or to complain about any building control function the Building Consent Authority undertakes; and have this heard and be properly managed.

Complaints provide feedback about service experience and give us the opportunity to improve our performance

What is a Building Control Function?

A complaint in relation to a Building Control Function is defined as a complaint about:

- Meeting statutory time frames
- Lodgement or vetting of building consent applications
- Processing of building consent applications
- Inspection of work under construction
- Issuing of a Notice to Fix
- Issuing of Code Compliance Certificates
- Issuing Compliance Schedules
- Failure to provide appropriate information or advice
- Fees and charges
- Failure to meet legislative or Building Code requirements

How do I make a complaint?

You can make a complaint in person; however it must be accompanied in writing. Complaints not made in writing or made anonymously will not be actioned.

Complaints should be addressed to:

The Chief Executive Officer
Kawerau District Council
Private Bag
Kawerau

What information is required?

- Date incident occurred
- Nature of complaint (guidance information, vetting, lodgement, inspection, notice to fix, code compliance certificate or compliance schedule)
- Copies of any supporting information (if applicable)
- Relationship (customer, regulator, or stakeholder)
- Name and contact details

How long does it take?

All complainants will be responded to within 3 working days of the receipt of the complaint at which time you may be asked whether you wish to be heard in relation to the complaint or to provide further information.

All complaints will be actioned within 10 working days of receipt of complaint, unless a request for

further information is made.

What else can I do?

If you are still unhappy or choose to use an alternative route to settle a matter of doubt or dispute you may apply to the Department of Building and Housing for a Determination.

Visit www.dbh.govt.nz for further information on this service.

What is a Dam?

Dam **means** an artificial barrier and its appurtenant structures that:

- a) Is constructed to hold back water or other fluid under constant pressure so as to form a reservoir
- b) Is used for the storage, control, or diversion of water or other fluid
- c) Retains 3 or more metres depth and holds 20,000 or more cubic metres volume, of water or other fluid.

A dam **includes**:

- (i) A flood control dam
- (ii) A natural feature that has been significantly modified to function as a dam
- (iii) A canal

A dam does **not include** a stop bank designed to control floodwaters.

All dams that meet this criterion are required to obtain a Building Consent from the Regional Council.

What is an Appurtenant Structure?

The pump house, power source, conduits, penstocks, spillways, sluice gates, intake tower, etc are all appurtenant structures. A Building Consent is required for the erection of Appurtenant Structures.

What if my proposal does not meet the definition of a Dam?

If your structure holds more than 35,000 litres of water but does not meet the definition of a dam, it will still likely require a Building Consent. Applications for Building Consent for a dam will be considered on a case by case basis. You will need to make an appointment for a pre-lodgement

meeting with us to discuss what will be required for making application.

Do I need a Building Consent for a dam?

Yes, all dams holding more than 35,000 litres of water or other fluid require building consent and is to be applied for with the Regional Council.

Do I need a Project Information Memorandum for a Dam?

Yes, two Project Information Memoranda are required. One is issued by the Territorial Authority and the other by the Regional Authority; this is because each authority holds different information in relation to properties.

What information do I need for Building Consent?

Please contact your local Regional Authority to discuss building consent requirements for dams.

What inspections do I need?

These will be advised on a case-by-case basis. Most inspections will be undertaken by the Design Engineer at various hold-points in accordance with the Design Engineer's recommendations.

What information do I need for Building Consent?

In addition to the Building Consent application form, you will need to supply a minimum of two sets of the following information:

- Design report identifying the loading parameters, flood and freeboard, seismic loads, geotechnical issues, reservoir capacity and hazards considerations. Structural plans, calculations and a producer statement design review will also be required
- Site plan
- Aerial photographs
- Information on any specified systems
- Cross-sections showing the height and depth of the dam and the capacity or volume of the reservoir
- Long-section through the dam axis showing spillways, basin and drainage, etc
- Information on any appurtenant structure