

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

### 1. 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.

### 2. Who administers the Building Act?

The Ministry of Business Innovation is the government department responsible for administering the Building Act 2004.

### 3. 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.

### 4. 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 storm water 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
- Heritage NZ Pouhere Taonga
- Fire and Emergency New Zealand

### 5. 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.

### 6. Do I need a Project Information

## Memorandum?

No, but if you are considering carrying out building work and need information on any relevant special land features and regulatory requirements, a PIM can help inform design requirements and reduce time and costs during the consent approval process.

This can be applied for separately or in conjunction with your building consent.

## 7. How to apply for a PIM

An application for a PIM must be made on the Form 2 PIM/Building Consent application form which is available from Council. This form must be completed in full, signed and dated before being submitted.

## 8. Documentation required

All applications must be accompanied by 2 copies of:

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

## 9. How long does it take?

Council is required to issue the PIM within twenty (20) working days of the 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 Council will contact you within 10 days of receiving the PIM application with a formal request for further information.

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

## 10. What is a Building Consent?

A Building Consent means a consent to carry out building work granted by a Building Consent Authority under section 49, it is the formal approval issued by a Building Consent Authority (BCA) that certain works meet the requirements of the New Zealand Building Act, Building Regulations and 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.

## 11. Exempt work

Exempt work is listed on Schedule 1 of the Building Act. A full copy of the Building Act 2004, including schedule 1, is available at [www.legislation.govt.nz](http://www.legislation.govt.nz). You may also wish to refer to MBIE's guidance at [Exempt building work guidance | Building Performance](#)

## 12. When is a Building Consent required?

A building consent is required for most work except exempt work under schedule 1 of the Building Act. This is available at [www.legislation.govt.nz](http://www.legislation.govt.nz). You may also wish to refer to MBIE's guidance at [Exempt building work guidance | Building Performance](#)

For guidance or further information please telephone (07) 306 9009.

## 13. 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.

## 14. How do I apply for a Building Consent?

You will need to complete one of the appropriate Form 2 application forms, (listed below) and provide information that is relevant to your building project.

- Simple consent and checklist
- Minor consent and checklist
- Residential consent and checklist
- Multi/Residential/Industrial/Commercial consent and checklist
- Marquee vetting checklist

A Form 2 application can be obtained from:

- Council's office at Ranfurly Court, Kawerau; or
- Downloading a form from the Kawerau District Council Website  
<http://www.kaweraudc.govt.nz/> or
- Telephone 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 Building Control 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 when the complete application was received. If your application is incomplete, it will be returned with a list advising of information that is required.

## 15. 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:

- Plans
- Specification
- Foundation Design
- Bracing Schedule
- Building elevations
- Proposed drainage plans
- Geotechnical report for buildings (Please check)

- Producer Statement (specific design)
- Engineering Calculations (if applicable)
- Fire safety design (if applicable)
- Record of title
- E2 risk matrix (demonstrating weather - tightness features) (if applicable)

## 16. Producer Statements

A producer statement requires the following as a minimum requirement to be accepted

- a written statement
- header with producer statement
- who is issuing the producer statement (suitably qualified and author of producer statement)
- the producer statement must be addressed for the attention of the Kawerau District Council
- who has completed or designed the work identified (qualifications to undertake the work required)
- the product name and specifications for application of product used (where applicable)
- what parts/clauses of the building code the work relates to
- full legal description of the site where the work will be undertaken
- clearly identifying what part of the building consent work is covered by the producer statement
- provide the sum of Provisional Indemnity Insurance held
- the author's name and signature
- date the producer statement was produced

## 17. Alterations to an existing building

Section 112 of the Act requires Council, as the Building Consent Authority, to be satisfied that after the alterations the building will comply, as nearly as is reasonably practicable, with the current provisions of the Building Code that relate to:

- means of escape from fire
- access and facilities for persons with disabilities (if this is a requirement in terms of section 118)
- continued compliance with the other provisions of the Building Code to at least the same extent as before the alteration.

To be satisfied that consideration of Section 112 has been undertaken, Council will assess the extent to which the proposed upgrade will be effective to bring the building closer to the

relevant Building Code standards. As part of the building consent application, building owners will need to provide an evaluation of:

- what should be in the building to satisfy 1 and 2 above as if this building was new
- what is currently in the building
- what is proposed to bring this building toward the standard required by items 1 and 2 above.

The evaluation should also detail the benefits and sacrifices required so Council can consider what is ‘reasonably practicable’.

## **18. Changing the use of your building**

Section 115 of the Building Act 2004 applies, this section ensures that when changing the use of a building, the current building stock is being upgraded toward the current provisions of the Building Code, specifically relating to:

- means of escape from fire, along with protection of other property, sanitary facilities, structural performance, and fire-rating performance
- facilities for persons with disabilities (if this is a requirement in terms of section 118)
- continued compliance with the other provisions of the Building Code to at least the same extent as before the change of use.

In the same way, Council will need to assess the extent to which the proposed upgrade will be effective to bring the building closer to the relevant Building Code standards. As part of the building consent application, building owners will need to provide an evaluation of:

- what should be in the building to satisfy 1 and 2 above as if this building was new
- what is currently in the building
- what is proposed to bring this building toward the standard required by items 1 and 2 above.

The evaluation should also detail the benefits and sacrifices required so Council can consider what is ‘reasonably practicable’.

## **19. Extension of Life – Section 116 Building Act**

An owner of a building with a specified life must obtain permission from the Territorial Authority to alter or extend the life of the building in accordance with any condition imposed under

section 113(2) of the Building Act when the building consent was granted.

## **20. Subdivision of Buildings - Section 116A Building Act**

Council must not issue a certificate under section 224(f) of the Resource Management Act 1991 for the purposes of giving effect to a subdivision affecting a building or part of a building unless it is satisfied, on reasonable grounds, that the building will comply, as nearly as is reasonably practicable, with every provision of the building code that relates to one or more of the following:

- Means of escape from fire.
- Access and facilities for people with disabilities (if this is a requirement for the building).
- Protection of other property.

The building must also continue to comply with the other provisions of the building code to at least the same extent as before the subdivision application was made.

## **21. Building on Land Subject to a Natural Hazard – Section 71**

A natural hazard under the Building Act includes;  
Erosion  
Falling debris  
Subsidence  
Inundation  
Slippage

A building consent authority must refuse to issue a building consent for the construction or a building or major alterations if the building work is to be carried out on land subject to a natural hazard or the building work is likely to accelerate, worsen or result in a natural hazard on the land or other property.

Despite this if the applicant can demonstrate that adequate provision has been made to protect the land, building work or other property from the natural hazard the building consent authority may grant the building consent under section 72 of the Building Act – this will result in a condition on the building consent to the effect that the consent will be notified to either an appropriate Minister and the Surveyor General or the Registrar of the Maori Land Court or Registrar General of Land dependant on the owner of the land.

## **22. Building on 2 or more Allotments – Section 75**

Where an application involves the construction of a building over two or more allotments and they are held by the owner in fee simple the territorial authority must issue a certificate that will trigger registration on the title that states;

That the lots (specified allotments) must not be transferred or leased except in conjunction with any specified other or others of those allotments.

## **23. Waivers and Modifications – Section 67 Building Act**

The Territorial Authority can grant a building consent subject to a waiver or modification to the performance criteria of the relevant building code clause and can include conditions. A waiver to accessibility requirements can only be issued by the Chief Executive of the Ministry Business Innovation and Employment.

Waivers and modifications will appear on a Land Information Memorandum for the property.

## **24. Restricted Building Work and Licensed Building Practitioners.**

### Restricted Building Work

Only LBPs are allowed to carry out or supervise ‘restricted building work’

Therefore, a consent application that involves restricted building work will need to include the names of the LBP carrying out or supervising that work.

See section 45(1)(e) of the Building Act.

The Government has detailed restricted building work. It includes the design and construction of a house or small-medium sized apartments:

- Primary structure (eg foundations and framing) to ensure the building can withstand vertical and horizontal loads.
- External structure (eg roofing and cladding) to ensure the building is weathertight.
- Design of Fire safety systems (eg sprinklers, fire alarms) to ensure people are adequately protected from the dangers of smoke and fire (small –medium apartments only).

Appropriately licensed LBP will be responsible for plans and specifications used in a consent application for restricted building work. See section 45(2)-(4) of the Building Act.

For more information about restricted building work, visit the [Licensed Building Practitioners \(lbp.govt.nz\)](http://lbp.govt.nz)

### Licensed Building Practitioner (LBP)

A person is recorded in the registrar of LBP after they have satisfied the register of LBP that they meet the standards for their licence class. See Section 286 of the Building Act.

There are seven license classes in the LBP scheme:

- Design
- Site
- Bricklaying and Block laying
- Carpentry
- External Plastering
- Foundations
- Roofing

You can apply to be licensed in more than one license class but you must be able to demonstrate that you are competent in each class you apply for. See [Licensed Building Practitioners \(lbp.govt.nz\)](http://lbp.govt.nz) on the Ministry of Business, Innovation and Employment website for more details.

The competencies for the license class were developed by industry working groups. They represent the skills and knowledge that a competent person with sound experience in the building construction industry should be able to demonstrate.

The LBP scheme is for competent individuals. Companies and commercial entities cannot be licensed, but the people they employ or subcontract can apply to be licensed.

If your work is covered by one of the license classes, this is your opportunity to have your skills and experience formally recognised.

To check if your builder/contractor is currently licensed under the LBP scheme, we recommend you search the public register. ([Licensed Building Practitioners \(lbp.govt.nz\)](http://lbp.govt.nz))

## **25. Owner Builder Exemption**

You are an Owner-Builder if you:

- Have a relevant interest in the land or the building on which the restricted building work is carried out (ie ownership), and are an individual (ie not a company).
- Live in or are going to live in the home (this includes a holiday home, or bach).
- Carry out the restricted building work to your own home yourself, or with the help of your unpaid friends and family members, and
- Have not, under the Owner-Builder Exemption, carried out restricted building work to any other home within the previous 3 years.

## **26. How do I lodge my Building Consent Application?**

You can lodge your building consent application in person or via the post. Your application will be formally accepted if the application is complete.

## **27. National Multi Use Consents**

Multiproof or National Multi use consents are generic approvals issued by the Ministry of Business Innovation and Employment for building that can be constructed anywhere in the country with minor changes where the local Building Consent Authority is only typically approving the foundations and drainage provisions of the Building Code. Multi use consents are required to be processed within 10 days barring any suspension for further information and application must be supported by a copy of the national multi use approval and details of any minor customisations.

## **28. 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 may be rejected at this time if insufficient information has been provided.

Once the application has been vetted and accepted as complete, it is then entered into the processing system. The clock starts when a complete application is received. The application is then allocated to the Building Control Officer or contractor for technical assessment and for processing and may require peer review to confirm compliance. In some cases we may also engage other third party contractors, such as engineers or Fire and Emergency New Zealand (FENZ) to

confirm compliance.

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 is 'satisfied on reasonable grounds' 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).

Where the Building Consent Authority does not have competence to process for compliance it shall be outsourced.

There are two stages in relation to issuing a building consent.

### 1. Granting the consent.

This is when all requested additional information (if any) has been received and the technical check has been completed and the building officer checking the application is "satisfied on reasonable grounds" that sufficient information has been provided to adequately demonstrate compliance with the relevant performance provisions of the building code. Reasonable grounds means the building officer has been reasonable in his request for information and that the information is readily available and is necessary to verify compliance with the chosen means of compliance with the performance provisions of the building code.

### 2. Issuing the consent.

The building consent is issued to the applicant upon the payment of all fees, levies, and charges. All building consents are issued on the condition that agents authorised by Council (BCA) are entitled at all times during normal working hours



or while building work is being done to inspect the land or building work.

## **29. How much will it cost?**

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

- Levies payable to The Ministry of Business Innovation and Employment (\$1.75 per \$1000.00 levy is payable on each consent valued over \$20,444).
- Levies payable to BRANZ (\$1.00 per \$1000.00 levy is payable on each consent valued over \$20,000).
- Building Consent Authority Levy (\$1.00 per \$1000.00 levy is payable on each consent valued over \$20,000).
- Applicable levies and fees can be paid online via direct credit or paid over the counter at the Kawerau District Council office.
- Time processing the application
- Number of inspections required (type and number vary depending on application)
- 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. Please visit our website for the schedule of fees.

## **30. Fees for Development Contributions**

The Kawerau District does not have the pressure on its infrastructure systems that is being experienced by some territorial authorities and therefore does not have a pressing need to extend its existing infrastructure systems to cope with increasing demand. The spare capacity in Council's infrastructure means it can cope with some growth without a resulting increase in demand for Community facilities.

Council's policy in relation to development contributions is not to assess development

contributions under the Local Government Act 2002, but to retain the provisions of the District Plan that allows the assessment of financial contributions.

Accordingly, we do not have charges relating to section 36 development contribution notices.

## **31. 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 outlining the reasons why it has been 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.

## **32. When can I start building?**

Construction can only proceed upon the issuing of building consent; however, it is important to understand that if resource consent is required for your project and this has not been granted, a section 37 Notice may be issued under the Building Act and this may include restrictions on all or part of the building work.

## **33. What are the Building Consent Conditions or advice notes?**

When a building consent is issued there may be a number of conditions or advice notes attached to the building consent document. Only conditions permitted by the Building Act may be placed on building consents. These may be in relation to:

- The entitlement to inspect (section 90) (this is a statutory condition that applies to every building consent)
- Specified intended life (section 113)
- Waivers and modifications (section 67)
- Building on land subject to natural hazards (section 73)
- Building over two or more allotments (section 75) advice notes or notices attached to building consents are simply that – advice from Council that certain requirements should met or may be helpful information in relation to the building consent and building work.
- 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.

### **34. How long do I have to complete the work?**

Work must have commenced within 12 months of the date of issue or the building consent lapses requiring a new application or the owner can apply for an extension of time to complete work before it lapses.

You are required to apply for a code compliance certificate as soon as the building works are complete. If the project has been delayed, it may be possible to apply for an extension to this time.

If the decision is to refuse to issue the code compliance certificate the Building Control Officer writes to the owner advising the decision and reasons for the decision.

### **35. Amendments and Variations to Building Consents**

All building work in conjunction with a building consent must be done in accordance with the plans, specifications and detail provided with the building consent. If you wish to change some aspect of the project you must apply for an amendment or a variation to the building consent and this must be approved before the work is carried out.

Decisions about whether a change meets the definition of a minor variation and whether the minor variation can be granted are the responsibility of the BCA, not any other party. Following receipt of a minor variation proposal the BCA will advise the applicant whether the change will be assessed as a minor variation or is too significant a change from the consented building work and requires a formal application for an amendment to the building consent.

A minor variation requires a formal application. The Building Control Officer will advise the owner or authorized agent to complete a variation application form which will be added to the consent file. Also required from the designer or builder are accompanying revised architectural plans or construction details covering the proposed change.

The process for obtaining an amendment is similar to obtaining the original consent. Full construction detail of any changes must be submitted with an application for Amendment to a Building Consent which must then be processed and approved by the BCA.

### **36. Who does inspections for the Kawerau District Council?**

The Kawerau Building Control Officer and contracted Building Control Officers, and in some circumstances there may also be inspections by specialists where there are complexities for the project that are beyond the competencies of the BCA staff eg. Engineers. Where Producer Statements require inspections by Engineers it is the owner's responsibility to ensure these inspections are carried out. Records of these inspections must be provided to the BCA with any PS4 issued by the Engineer.

### **37. 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. This may include inspections by third party specialists to determine compliance of the building work.

Typical inspections include;

- Site - location of the building on site (a surveyor's report or visible boundary markers).
- Pre-slab - plumbing in/under the floor slab.
- Foundation - before placing any concrete for foundation walls or footings.
- Piles - before placing any concrete for pile foundations (timber or concrete).
- Pre-slab - before placing any concrete for concrete floor slabs and any integral footings.
- Masonry - before placing any concrete or concrete block walls.
- Sub-floor - before covering any subfloor framing.
- Framing - all fixtures visible.
- Wrap/cavity - upon completion of the building wrap with flashings/tapes



installed and before fitting any external cladding.

- Brick - brick work at half height.
- Weather-tight - before applying any coatings to the external cladding system.
- Pre-line - before fitting internal linings or installing wet area membranes, air seals fitted internally around joinery, bracing connections complete.
- Pre-line - plumbing systems before fitting any linings.
- Post-line bracing - while fixings are still visible.
- Post-line wet area membranes – inspection of installed wet area membranes before installation of finish surfaces such as tiles.
- Drainage - testing any drainage work prior to back filling and before covering any field drains.
- Final - final inspection on completion of all building work.

### 38. Site Safety

On the construction site, the safety of people, including Building Control Officers, is your responsibility. This includes providing safe access to all parts of the site to allow work to be inspected.

A Building Control Officer will refuse to undertake the inspection if the area is unsafe.

Check that you are ready before you book the inspection. If work is not ready, it will be failed. Repeat inspections may incur additional costs. The Building Control Officer will check all items on the inspection checklist, and they must be compliant in order for the Building Control Officer to pass the inspection.

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.

### 39. Inspections by Others

Sometimes it is necessary for specialists to conduct inspections in addition to the inspections carried out by the Building Consent Authority, eg structural engineers, fire engineer, or the need for a specialist practitioner responsible for certifying the work.

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.

### 40. How do I book an inspection?

Building inspections are booked by contacting Council's Customer Services Officers or the Building Control Administrator - telephone 07 306 9009.

Inspections can be undertaken Tuesday and Thursday 8.30am to 4.00pm (excluding public holidays). Inspections requested outside these timeframes will be subject to availability of the Building Control officer.

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.

### 41. How do I know if the Inspection has been passed?

For an inspection to take place, the approved plans and consented documentation must be available on site. The Building Control Officer will be inspecting the building work against these approved documents.

If an inspection has not fully passed the Building Control Officer may allow work to continue via a written instruction illustrating what work needs to be completed and/or what work can continue.

On conclusion of all inspections the outcome of the inspection is recorded on the relevant

inspection sheet and if the inspection has passed, then work can continue.

**N.B:** If we arrive on site and the approved plans and documentation are not available, we will not undertake the inspection. You may however be billed for our time.

#### **42. What if the inspection has not been approved?**

If an inspection is failed, a verbal instruction will be given and the work to be rectified will be recorded on the relevant inspection sheet and a site instruction sheet. A copy of the site instruction sheet will be left with the owner or their representative. An inspection of the remedial work will be required. If the work is not remedied to the satisfaction of the Building Control Officer a Notice to Fix is likely to be issued.

#### **43. 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.

#### **44. Do I need a Final Inspection?**

Yes, all Building Consents require a final inspection for a Code Compliance Certificate.

#### **45. What is a Code Compliance Certificate?**

A code compliance certificate is the Building Consent Authorities verification that all works undertaken comply with the building consent. It is an important document and should be retained for future reference.

It is mandatory for the building owner to apply for a code compliance certificate after all work has been completed.

If the work cannot be completed within two years from the date the consent was granted, please contact us, as soon as possible and before the two

years is up, to discuss an extension of time.

If you have not applied for a Code Compliance Certificate (Form 6) within two years from the date the consent was granted, Council are still required to make a decision on whether to issue a code compliance certificate.

#### **46. How do I obtain a Code Compliance Certificate?**

The application form for code compliance certificate, (Form 6) is available on the Council website or at the Council Office.

The application must include:

- Any records of work provide by licensed building practitioners
- Required plans, specifications and supporting documentation
- Manufacturer's certificate for the use of or manufacture of any modular components approved in granting the building consent
- That all relevant energy certificates are provided

Upon application, Council has 20 working days to process the application for a code compliance certificate. If further information is requested from the applicant. The processing clock will be suspended. Once the applicant has provided this information, the clock is re-started and the processing of the application will continue.

The Council must issue the code compliance certificate if it is satisfied on reasonable grounds that:

- The building work complies with the building consent
- All the required inspections have been undertaken and all non-compliance and outstanding matters have been satisfactorily dealt with
- Where a compliance schedule is required, the specified systems in the building are capable of performing to the performance standards set out in the building consent
- Have regard to whether any building methods and/or products with a warning or ban have been used
- That all development contributions have been paid (if applicable)

If you have not applied for a Code Compliance Certificate (Form 6) within two years from the date the consent was granted, Council are still

required to make a decision on whether to issue a code compliance certificate.

Where the building requires a compliance schedule for specified systems, this will be issued in conjunction with the code compliance certificate.

#### **47. 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 the Building Act provisions are satisfied or is not satisfied that reasonable grounds exist to enable the issue of a Code Compliance Certificate, then issuing may be refused. Council will notify you in writing with the reasons for the decision not to issue the Code Compliance Certificate.

Should Council refuse to issue a Code Compliance Certificate and you consider that this is not justified then you may wish to approach The Ministry of Business Innovation and Employment and obtain a Determination.

#### **48. What is a Determination?**

A determination is a binding decision made by the MBIE. 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.

#### **49. Applying for a Determination**

To apply for a determination you will need to complete the required form and provide this, along with any supporting information and the applicable fee to MBIE. Further information on the process is available here [Applying for a determination - Building Performance](#). Applications can be made online, via email or

post.

#### **50. How long does it take to get the Determination?**

The Ministry 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 Ministry has the power to make the determination if the information requested is not provided in reasonable time.

#### **51. 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.

#### **52. 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 cannot 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.

#### **53. What are Public Premises?**

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

- Shopping malls
- Cinemas
- Marae
- Camping Grounds

- Garages and Workshops
- Funeral Homes
- Office/Retail Complexes
- Rest Homes, etc

#### **54. 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
- Cable cars

A Compliance Schedule lists the systems and features, including the inspection, maintenance and reporting procedures needed to keep them in good working order.

A single household unit requires a compliance schedule if it contains a cable car or is serviced by a cable car.

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.

#### **55. 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 provided by the building owner to Council.

#### **56. 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.

#### **57. 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.

#### **58. 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.

#### **59. What is a Building Warrant of Fitness (BWOF)?**

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 building warrant of fitness must have attached to it all certificates of compliance issued by the Independent qualified persons (IQP). 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 building warrant of fitness 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. There is an annual charge for receiving the BWOFF.

#### **60. 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) 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.

#### **61. What is an IQP (Independent Qualified Person)?**

An Independent qualified persons (IQP) 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.

#### **62. 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.

#### **63. 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

#### **64. 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 1004  
Kawerau 3169

#### **65. What information is required?**

- Date incident occurred
- Nature of complaint (vetting, lodgment, 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

#### **66. 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 two weeks of receipt of complaint, unless a request for further information is made.

#### **67. 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 Ministry of Business Innovation and Employment (Building and Housing) for a Determination.

Visit [www.mbie.govt.nz](http://www.mbie.govt.nz) for further information on this service.