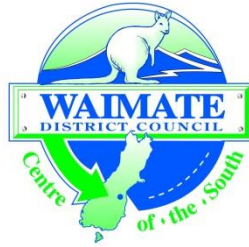


# Waimate District Council



# **A General Guide to the Building Consent Process**

**(Version 5 – September 2017)**

## A GENERAL GUIDE

This guide contains important information about applying for a building consent from the Waimate District Council. It covers the whole process, from the application stage, through to the Code Compliance Certificate phase.

The information covered in this guide includes:

- When is a building consent required?
- What is a PIM?
- What is a Building Consent?
- The application process: how to apply for a building consent?
- Processing the consent: what happens after your application is received, and how long it takes?
- The building inspection phase: how many inspections will be needed? The final inspection.
- Applying for a Code Compliance Certificate.
- Alterations to existing buildings,
- Determinations
- Schedule 1 of the Building Act
- Compliance Schedule

### VOLUNTARY PROJECT INFORMATION MEMORANDUM

A Project Information Memorandum (PIM) is issued by the territorial authority (Council) under Section 34 of the Building Act and sets out information relevant to your building work. The content of a PIM is set out in Section 35. Applying for a PIM is now voluntary and is your choice as to whether you apply for one.

#### A PIM Includes

- Information likely to be relevant to the proposed building work which has been provided to the Council by a statutory body.
- Network utility information.
- Special features of the land or the presence of hazardous contaminants that is likely to be relevant to the design, construction or alteration of your proposed building that is known by the Council or is not apparent from the District Plan.
- Details of stormwater or wastewater utility systems which may relate to your project or site will also be included (where applicable).
- Additional approvals required such as:
  - Resource Management Act
  - Heritage New Zealand (heritage buildings / sites)
  - New Zealand Fire Service Commission

**NOTE: 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.**

## **Applying 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 or our website. This form must be completed in full, signed and dated before being submitted.

### **You will need two copies of**

- The site plan,
- Floor plan,
- Building elevations and,
- Proposed drainage plans.

### **How long will it take?**

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

**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 working 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 that certain works will meet the requirements of the New Zealand Building Act, Building Regulations, and Building Code.

Building consents are concerned primarily with safety and are subject to national rules and regulations. However, buildings must also comply with the Resource Management Act and the Council's District Plan and there may be circumstances when you will require resource consent.

If resource consent is required you will be advised. The building consent will continue to be processed and if it is ready to be granted before the resource consent is approved, the building consent can be granted with a Section 37 Certificate either advising that no building work may proceed or building work may proceed but only to the extent stated in the Section 37 Certificate.

## **WHAT IS RESTRICTED BUILDING WORK**

From 1 March 2012, the Ministry of Business, Innovation and Employment's Restricted Building Work regulations come into effect. This means if you're applying for a building consent from 1 March 2012, you must make sure that the practitioners you use are correctly licensed to carry out the work.

Restricted building work applies to residential construction, alterations and design of houses and small-to-medium sized apartment buildings. It doesn't apply to any ancillary buildings such as garages or garden sheds or to commercial property.

Licensed building practitioners include designers, carpenters, external plasterers, brick and block layers, foundation specialists and roofers. Registered architects, gas-fitters and plumbers, as well as chartered professional engineers, who are registered with their own professional authorities, are also treated as being licensed.

In order to gain consent for restricted building work, design work will need to be carried out or supervised by a design licensed building practitioner, a chartered professional engineer, or a registered architect. They will then need to provide the owner with a Certificate of Work memorandum that states who did the design, identifies the restricted work, and certifies that the design complies with the Building Code. The homeowner (or Licensed Building Practitioner) must then provide this to their local council as part of their building consent application.

Restricted building work cannot start until owners have notified their local council of the licensed building practitioner(s) who will be carrying out or supervising the work. During construction, as each licensed building practitioner completes their part of the work, they must give the owner a Record of Work memorandum stating that they have carried out or supervised that part of the construction. For example, this may be at the completion of the roof. The homeowner must in turn provide this to their local council as part of their Code Compliance Certificate application.

Homeowners are required to ensure that those they employ to undertake construction or alterations are licensed to do the work required. Fines of up to \$20,000 may apply to anyone found to have knowingly employed an unlicensed person to carry out restricted building work. Likewise, unlicensed tradespeople who carry out and/or supervise restricted building work can also be fined.

### **DO IT YOURSELF – OWNER BUILDER EXEMPTION**

An owner may carry out their own restricted building work when they make a statutory declaration they are carrying out the work and not paying any person to carry out the restricted building work.

This declaration is required to be signed by a Justice of the Peace and must be lodged with the building consent application.

### **WHEN IS A BUILDING CONSENT REQUIRED**

For most building, plumbing and drainage work, a building consent is required. Works exempt from building consent requirements tend to be of a small scale, being within certain dimensional or volume limitations.

Before starting your project, you will need to consult Schedule 1 of the Building Act 2004 to clarify whether a project fits within Schedule 1. If you are unsure whether you will need a building consent or not, please talk to a builder or designer.

Copies of Schedule 1 and the Ministry of Business, Innovation and Employment Guide are available at the front counter at the Waimate District Council Building Consent counter, our website [www.waimatedc.govt.nz](http://www.waimatedc.govt.nz) or visit the Ministry of Business, Innovation and Employment website at [www.building.govt.nz](http://www.building.govt.nz)

Remember, it is the owner's decision whether building work is exempt and you may need certain technical or legal advice before making that decision and it must be noted that even though some building work does not need a building consent, the building work proposed must still comply with the New Zealand Building Code.

If your project requires a building consent, it must be obtained before any of the work starts, so please make sure that you start the application process well before building is due to start.

### **WHAT HAPPENS IF I DO BUILDING WORK WITHOUT CONSENT**

The person undertaking the building work without a building consent (illegal work), and the owner of the property involved, are in breach of the Building Act. It is possible that you may be asked to demolish the work or prove that the building is safe and sanitary by applying for a Certificate of Acceptance. A Notice to Fix may be issued and prosecution may follow if the notice is not complied with.

### **WHY CAN'T I JUST DO THE PAPERWORK WHEN THE PROJECT IS FINISHED**

Building consents cannot be issued after the project has started. Binding interpretations of the Building Act and Regulations can be issued by the courts or a determination issued by Ministry of Business, Innovation and Employment. Indications and guidelines issued by the Waimate District Council are provided with the intention of helping people to understand the legislation. They are, however offered on a "no liability" basis, and in any particular case those concerned should consult their own legal advisers.

Homeowners are finding out more and more that a previous owner has carried out building work without building consent and this usually surfaces when the property is offered for sale.

You should discuss the matter with a building control officer as it may be possible for Council to issue a Certificate of Acceptance.

### **MEANS OF COMPLIANCE WITH THE BUILDING CODE**

Your proposed building work has to comply with the Building Code. The Building Code is a performance based code which allows designers some flexibility when designing buildings or parts of buildings.

A designer may use parts called Acceptable Solutions which are deemed to comply with the Building Code.

Methods of complying with the Building code are:

- Acceptable Solutions
- Alternative Solutions
- Verification Methods
- 

Two new methods added in 2010 are:

- Simple House Acceptable Solution
- Multi Use Approved Design

## Application Process

Building consent application forms are available from the Waimate District Council, 125 Queen Street, Waimate. You can also download a copy from our website at [www.waimatedc.govt.nz](http://www.waimatedc.govt.nz)

You can also use the application forms from any other BCA's in the Southern Cluster Group (all BCA's south of Timaru) to lodge Building Consent applications with the WDC BCA.

The application form must be completed in full. Please ensure that all parts and pages of the form are filled in.

## What to Include with the Application

Applications can be complex. We recommend that you engage a professional to help with the design work and drawings.

Below is a list of what you may need to include with your building consent application. Please note: You will need to provide **two copies** of everything listed below:

1. If the application is for Restricted Building Work (RBW), please ensure that the Certificate of Design Work is provided with the application for Building Consent and include details of any known LBP's who will be carrying out the RBW (or file a declaration for a owner builder exemption.)
2. Certificate of Title: recent search copy less than six months old, or a sale and purchase agreement if not in the applicant's name. If the site is new and does not yet have a Title, then subdivision scheme plan is required. If you do not have a Certificate of Title, Council can produce these for you at a set fee, please ask if you want us to do this for you.
3. Site plan, showing buildings, ground and floor levels, and dimensions.
4. Outline floor plans (for all floors).
5. Outline elevations.
6. Outline cross sections.
7. Foundation plans (timber or concrete slab).
8. Drainage plans.
9. Detailed floor plans.
10. Detailed elevations.
11. Cross sections.
12. Timber treatment.

13. Framing details
14. Construction details.
15. Weathertightness details and risk matrix for each elevation.
16. Internal waterproofing details.
17. Plumbing details.
18. Specifications.
19. Bracing design.
20. Roof truss design.
21. Engineer's details and producer statements.
22. Specified systems noted along with maintenance and inspection details.

Note: Application fees will be invoiced once processing completed.

Once you have gathered all the necessary information, you can either post it to the Waimate District Council, P O Box 122, Waimate 7960, or bring it into the main counter.

### **Please Check and Make Sure Your Application Form is Completed and Signed**

The Waimate District Council undertakes a three stage checking process to ensure the appropriate information is submitted with the building consent application.

Details of each process are listed below for your information.

- Counter checking process
- Vetting checking process
- Processing/checking for compliance.

## **CHECKING THE APPLICATION**

### **Counter Checking**

A member of the Building Consent Authority will check the application to ensure the right sort of documents have been provided. (This is not, however, the technical check.)

If the application is incomplete, it will not be accepted by the Council, and you will be advised to re-lodge the application with the correct documentation.

If the application is verified as complete we will accept the application for vetting.

### **Vetting Check**

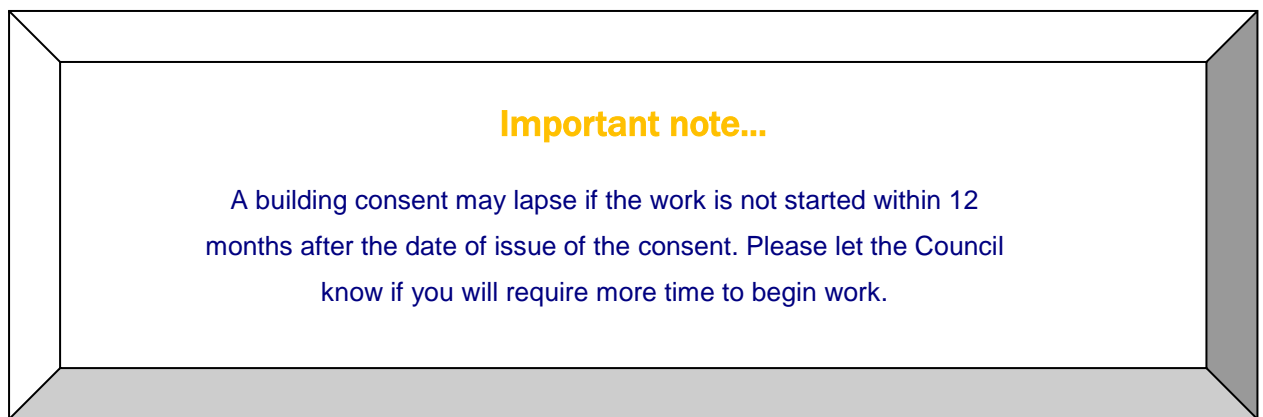
The application is then vetted and forwarded to a Building Control Officer to determine if there is

enough technical detail and information to continue the detailed processing.

If there is insufficient detailed information on the application, Council will suspend the processing of the application and will send you a list itemising what information is required before your consent can continue to be processed.

Incomplete or poor quality applications take a lot of time to work through and this slows the process for other people. Please be conscientious when submitting your application and use clear drawings to a readable scale as the application may be refused if drawings are not readable.

The Council has 20 working days from the date the application is formally accepted for processing, to decide whether to grant, or to refuse to grant the Building Consent. (Note: when “formally accepted”, the processing clock starts. Council has 10 working days for multi use building consents and 20 working days for all other types of building consent applications.



## **PROCESSING**

Once the application has been vetted for completeness, a Building Control Officer will review your application and assess it for compliance with all 37 sections of the Building Code, the Building Act and Regulations. If there are any questions or concerns, you will receive a letter (by post, email, or fax) requesting further information or clarification. The 20-day clock is suspended until this information is provided.

The work for which you are seeking consent is also checked for other required permissions, for example the Resource Management Act or District Plan requirements. We also check for compliance with other legislation such as vehicle access, earthworks, water reticulation, public drainage and (in the case of commercial premises) areas such as health, trade waste, compliance schedule features and backflow prevention.

## **CERTIFICATE OF PUBLIC USE**

If a Building Consent application affects a building that the public has access to an application for a Certificate of Public Use will have to be lodged with the BCA at the time of lodging the building consent application. A Certificate of Public Use allows the public to continuing to use the premises but excludes them from the area where building work is being undertaken.



You will be required to provide plans detailing the areas where the public can continue having to access, the areas where the public are to be excluded and a provide a written statement of how the public will be prevented from entering working areas i.e. erecting hoardings.

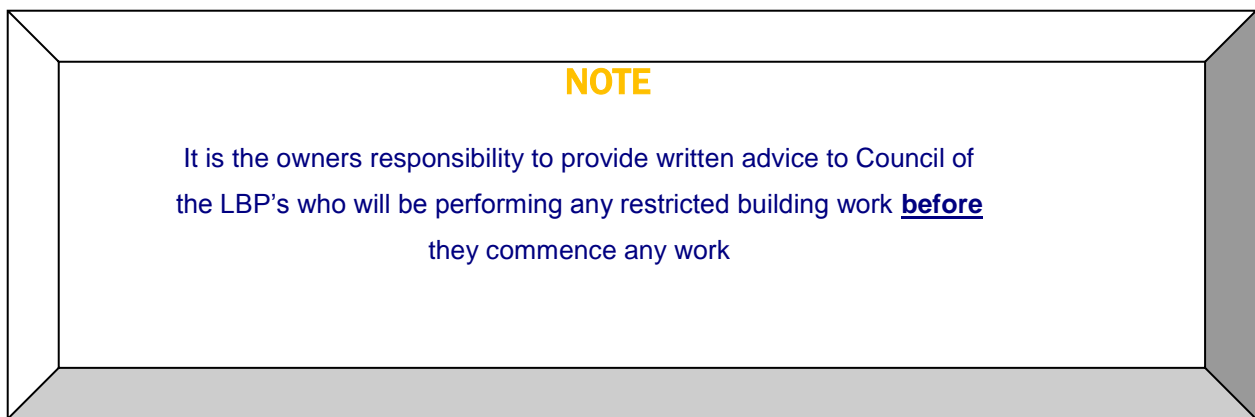
## **GRANTING**

When your application has been assessed and all staff involved are satisfied with compliance, a final check is made to ensure that all work has been assessed correctly. If so, the building consent is approved (granted).

## **ISSUING**

Once the consent is granted, the consent is issued and will be sent by standard post to the nominated person shown on the application form for Consent. Also attached to the consent will be one set of stamped approved plans and specifications lodged with your application.

These plans and specifications **must be kept on-site at all times during construction.**



## **APPLICATION COSTS**

### **Building Consent Fees**

The fees payable depend on the type of application and cost of work involved and include a travel charge.

### **Levies**

Building Consent fees.

- BRANZ Levy (payable on all applications of \$20,000 or more and calculated at \$1 per \$1,000 of the project value).
- Building Levy Order, (payable on all applications of \$20,444 or more and calculated at \$2.01 per \$1,000 of the project value).
- Building Consent Authority Accreditation Levy (payable on all applications at \$1.00 per \$1000 of project value)
- Compliance schedule fees (if applicable).

### **Possible Additional Costs**

Additional costs may be incurred for the following:

- Processing or reviews by outside consultants;
- Specialist applications;
- Applications sent to the Fire Engineering Unit of the New Zealand Fire Service Commission (FEU);
- Specifically engineered structural or fire designs sent to outside consultants for peer review.

**NOTE:** The building consent cannot be issued until these additional fees are paid.

A copy of the Schedule of Fees is available at the reception area or on our website. If you have any queries about what your consent fee will be, please contact one of the customer service staff in the Building Control Department.

## **INSPECTIONS**

The processing officer will assess your application to determine what inspections will be necessary so that the Council can be satisfied that the building works will achieve compliance with the approved building consent. A list of inspections will be attached to your building consent.

You should read the building consent documentation and be familiar with its content before starting work. Please ensure that the list of inspections and consented plans are kept onsite at all times during construction as they will be used to verify that the building work is in accordance with the consented plans.

If the consented plans are not on site at the time of the inspection the Building Control Officer will refuse to undertake the inspection and you will be charged for an additional inspection.

It is the responsibility of the owner/builder to ensure that the Building Control Officer can safely access off ground areas by means of ladders or scaffolding and that this equipment is safe to use.

The Building Control Officer may refuse to undertake an inspection if in their opinion it is unsafe to do so.

### **Building inspections**

The following are the types of inspections that may be required depending on the nature and complexity of building work.

The Building Control Officers will need to visit the site and will look at the following (depending on the work being undertaken):

- Site - location of the building on site (a surveyor's report or visible boundary markers).
- 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 in concrete block walls.
- Sub-floor - before covering any sub-floor framing.

- Pre-clad - upon completion of the building wrap with flashings/tapes installed and before fitting any external cladding.
- Brick – veneer brick work at half height.
- Framing – moisture content check.
- Pre-line framing - before fitting internal linings or installing wet area membranes, airseals fitted internally around joinery, bracing connections complete, insulation fitted.
- 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.
- Final - final inspection on completion of all building work following receipt of an application for a Code Compliance Certificate (form supplied with approved consent documentation). This should be given to the inspector onsite at the time of the final inspection.

### **Plumbing and Drainage Inspections**

- Drainage - testing any drainage work prior to back filling and before covering any field drains.
- Pre-slab - plumbing in/under the floor slab.
- Underfloor – subfloor view of completed pipework prior to wooden floor being laid.
- Pre-line - plumbing systems before fitting any linings.
- Wastewater treatment system and effluent.
- Final - final inspection on completion of work.

### **Inspections by External Specialists**

In addition to the Council’s inspection, it may be necessary, in special circumstances, for external specialists to conduct inspections that fall outside the normal building inspection process, such as having a Geo-technical Engineer confirm ground stability, or having an aspect of specific structural design checked by a Chartered Professional Engineer or Mechanical Ventilation or Specialist Roofing application.

Any external specialist inspections are the Applicants responsibility to arrange and pay for.

If a specialist inspection is necessary, you may be advised before the consent is issued. The inspection requirements will be included in the advice notes listed on the building consent.

### **Producer Statements**

A producer statement author is a person that is accepted by Council as competent in their field of work and able to provide Council with a statement of some aspect of work, e.g. CPENZ engineers statements accepted for any structural design.

Producer statements come in 4 forms:

- PS1 – Design
- PS2 – Design Review
- PS3 – Construction
- PS4 – Construction Review

Producer statements can be provided for a wide range of work and may in part satisfy Council that some aspect of work complies and would be required on a case by case basis.

The content of all Producer Statements submitted are reviewed by the BCA for correctness i.e. checking that the person submitting the Producer Statement is working within their field of expertise. Refer also inspections by external specialists.

### **Booking an Inspection**

When you are fully ready for an inspection, please contact the Building Administration Officer in the Building Control Department, phone 03 689 0000, and make sure you have the following information available:

- Site address.
- Building consent number.
- Name and phone number of contact person on site.
- Date the inspection is required.
- Type of inspection, e.g. plumbing, drainage, foundation etc.
- Important notes.

Please give at least **24** hours advance notice of your inspection request.

Council endeavors to arrange inspections as soon as possible, however in periods of high building activity or staff absence, the inspection may need to be slightly later.

It is the owner's responsibility (or you may have your builder's) to notify Council that an inspection is required.

**Make sure you have the approved plans and documentation on-site. If these are not available when the Building Control Officer arrives, the inspection will not take place, and you may be charged extra for a re-inspection.**

**The owner, or builder, or agent (eg. architect) should be on site for all inspections.**

### **Result of the inspection**

#### **If the work passes**

The Building Control Officer will advise the person on-site if the inspection has been passed and record it on the Council's field inspection sheet.

#### **If the work fails the inspection**

The work to be rectified will be recorded on the site inspection sheet, and a Site Instruction Notice

(SIN) will be issued. Another inspection may be required, to inspect the remedial work detailed in the SIN.

You will be charged for a re-inspection if so, this will need to be paid before the Code Compliance Certificate can be issued.

### **Notice To Fix**

In some cases a Notice to Fix may be issued.

This 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 or Building Code.

If issued, a letter explaining the process will accompany it. An invoice for the prescribed fee will be sent for the Notice to Fix.

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.

### **Amendments**

During the construction process, invariably there are changes made.

If you are changing things from the consented documents, you must talk to us before the change is made to agree on the process which needs to be followed.

These changes can be recorded by way of minor variation or formal amendment applied for.

A minor variation can be simply recorded on the variation form and noted by the building inspector on the plans. The builder/owner will need to advise clearly on site what has changed.

An amendment is a formal process and must be applied for in the same manner as the original building consent. The time frames for Council to process an amendment are the same as the building consent.

All amendments will be invoiced once granted. This will need to be paid before the Code Compliance Certificate can be issued.

### **Final inspection**

All building consents require a final inspection.

It is the responsibility of the owner, builder, or agent (e.g. Architect) to contact the BCA to arrange the final inspection as soon as the work is completed. The owner, builder, or agent (e.g. architect) should be on site for the final inspection.

At the final inspection you will be required to;

- Have the consented plans on-site

- Provide copies of the following documents (if applicable) electrical certificate of compliance, gas certificate of compliance, as laid drainage plan, producer statements (PS3, PS4, membrane applicators etc), backflow protection device installation and test certificate
- If specified systems have been installed provide copies of all electrical certificates of compliance, testing certificates, system certifications by certifying bodies
- Any amended plans

If the project involved Restricted Building Work, then a Record of Work is required from each Licensed Building Practitioner that carried out the Restricted Building Work in the project. It is the owner's responsibility to provide this information.

Once the final inspection has been undertaken, and you have been advised that all work is completed and all required certificates and certifications have been provided, you will be sent an application for Code Compliance Certificate form by the BCA. Please complete and return the completed Application for Code Compliance Certificate form as soon as possible so the Code Compliance Certificate can be issued.

If it is found that the building work has not been completed in accordance with the consented plans, or you do not provide all required certificates and certifications then you will be sent a letter advising what work and or information is required to be provided. This will result in the 20 day clock being stopped until such time as you complete the required work and or provide the required certificates and certifications

If an application for a Code Compliance Certificate is not made within 2 years of the grant of the consent, the Council will decide whether to issue or refuse the Code Compliance Certificate.

## **CODE COMPLIANCE CERTIFICATE**

When all the building work is completed in accordance with the building consent, a Code Compliance Certificate (CCC) may be issued.

This is verification from the building consent authority that all works undertaken comply with the building consent and the NZ Building Code.

Council has 20 days from receipt of the application for a CCC in which to decide whether to issue, or refuse to issue, a CCC.

If an application for a Code Compliance Certificate is not made within 2 years of the grant of the consent, the Council will decide whether to issue or refuse the Code Compliance Certificate.

It is an important document, and should be retained for future reference.

Any outstanding fees including Development Contributions must be paid in full before the issue of a CCC. The CCC will not be issued if there are any unpaid fees.

If the building consent was issued under the Building Act 1991, Council may issue a CCC, if they are satisfied that the building work complies with the Building Code in place at the time the consent was granted.

Older building consents do present Council with a problem when considering the issue of a CCC, particularly when we are looking at construction details and the maintenance history. If Council is

not able to confirm the necessary details, they may refuse to issue a CCC.

If an owner does not apply for a code compliance certificate two years after Council has granted the consent, then Council is required under law to either issue or refuse the code compliance certificate. An owner can apply for an extension of time to extend this date or may elect to carry on with the building work and apply for a code compliance certificate when the work is completed.

Even if Council has refused the code compliance certificate at this two year period, the owner can apply at a later time for Council to reconsider whether a code compliance certificate can be issued or refused.

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

## **ALTERATIONS TO EXISTING BUILDINGS**

A Building Consent cannot be granted by a Building Control Authority for alterations to an existing building unless it is satisfied that after the alterations, the building will:

- Comply as near as reasonably practicable with the provisions of the building code that relate to-
  - Means of escape from fire
  - Access and facilities for the disabled; and
- Will continue to comply with the other provisions of the building code to at least the same extent as before the alteration.

## **MULTI PROOF SERVICE**

The Multi Proof service enables builders to obtain a National Multiple Use Approval for standardised building designs that are intended to be replicated several times.

Multi Proof Approvals are issued by the Ministry of Business, Innovation and Employment.

A building consent is required each time you want to build a design that has been issued a multi-use approval. This is so we can check that the approval conditions are met and that the site-specific features of the design (such as foundations) comply with the Building Code.

## **DETERMINATIONS**

A determination is a binding decision made by the Ministry of Business Innovation and Employment. 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.

Most determinations are needed because the person applying for the determination disagrees with the Council about decisions the Council has made about a building.

However, a determination can be applied for by the Council itself or a neighbour who is affected by building work.

A determination can be about building work that is planned, partly done or completed.

The can make a determination about:

Those involved in a determination, including the person who applies for it, are called 'parties' to the determination.

For example, a building owner may ask for a determination because they disagree with the Council's decision that also involves a neighbour.

In this case, the parties to the determination are the building owner, the Council and the neighbour. All parties to a determination are treated equally.

The Ministry of Business, Innovation and Employment can initiate a determination where it believes it is necessary to achieve the aims of the Building Act.

The Council will always be a party to the determination. The Department may ask other people or organisations to become involved if necessary.

A determination will normally be about an earlier decision made by one of the parties (usually the Council).

The determination may:

- Confirm, reverse or modify the earlier decision (for example, a determination may say that the Council was correct in not issuing a building consent).
- Make waivers or modifications to the Building Code (for example, a determination may modify the time period for which the building must be durable).
- Make conditions that the Council may itself grant or impose (for example, a determination may require the Council to issue a building consent with certain conditions).

The Ministry of Business, Innovation and Employment charges a fixed fee for determinations and should be checked online for the current fees:

- For single houses, attached houses, flats and apartments up to four units, and garages and sheds
- For all other buildings.

### **Information that needs to be included in a Determination Application**

A determination generally relies on the information you provide. Clear and complete documentation will help us assess and process your determination. The information should be:

- Clearly labeled (and indexed, if possible).
- Typed or neatly handwritten.
- Accompanied by a summary of the key points with references to the supporting documents.

Information to support an application can include (not all of the following will be available or appropriate in every instance):

- Correspondence about the dispute.
- Drawings.



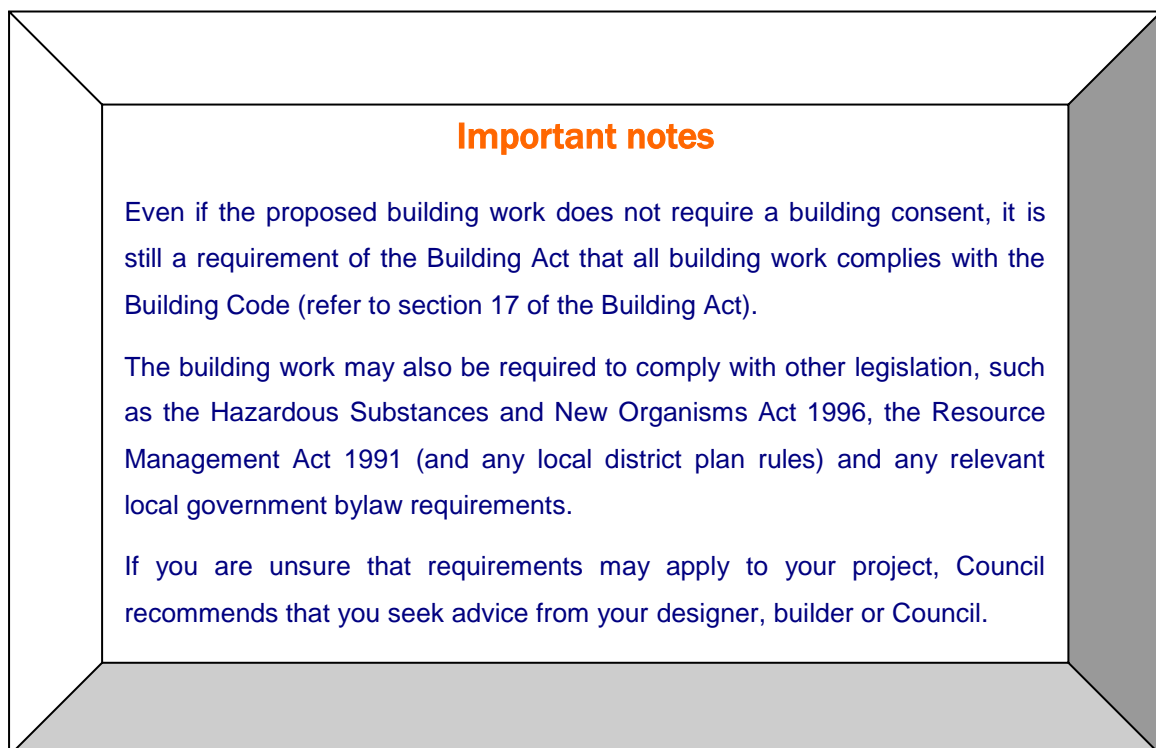
- Specifications.
- Design calculations.
- Reports.
- Photographs.

## **SCHEDULE 1 OF THE BUILDING ACT 2004**

Schedule 1 lists building work that can be undertaken without a building consent. The Building Act includes types of building work that are exempt from the requirements to obtain a building consent.

These exemptions recognise that certain low-risk building work should not be subject to the normal requirements of the building consent approval process. Exempt building work is generally work that will not affect the structural integrity or safety components of the building. The list of exempt building work is contained in Schedule 1 of the Building Act. In October 2008, this work was expanded to include more exemptions.

To find out more on building work that does not require a building consent, visit the Ministry of Business, Innovation and Employment website [www.mbie.govt.nz](http://www.mbie.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 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 the 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. Some examples are:

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

## **COMPLIANCE SCHEDULES**

A Compliance Schedule lists specified systems within a building. These systems ensure a building is safe and health for members of the public to enter, occupy or work in.

The Compliance Schedule for a building must identify which systems are present, the performance standards for those systems, and how these systems will be monitored and maintained to ensure they will continue to function.

The requirement for a Compliance Schedule is in the Building Act 2004.

However, the Building Act 2004, allows more options for the administration of Compliance Schedules by Territorial Authorities and, significantly, the ability to charge a fee for services. New requirements include that:

- The administration of Compliance Schedules may be split between a building consent authority that is not a Territorial Authority, and a Territorial Authority.
- A building consent authority issues a Compliance Schedule.
- A building consent authority can charge a fee for issuing a Compliance Schedule.
- A building consent authority must state in a building consent the specified systems and their performance standards that will be covered by a Compliance Schedule.

A Compliance Schedule must be issued with the code compliance certificate, where applicable.

- Building consent authorities that are not Territorial Authorities have 5 days after issuing a Compliance Schedule to notify the Territorial Authority that the Compliance Schedule has been issued.
- A Territorial Authority and a building owner can agree to amend a Compliance Schedule as required, at any other time.
- Territorial Authorities can charge a fee for issuing an amended Compliance Schedule.
- After 31 March 2008, all buildings serviced by or attached to cable cars will require a Compliance Schedule.

- A Statement of Fitness is now a Compliance Schedule Statement.

The Compliance Schedule has been made more flexible to reflect that as systems age, monitoring and maintenance requirements change.

An application for a Compliance Schedule should be made as part of the building consent application, where building work includes specified systems within a building.

Where an application for a building consent involves building work in an existing building, and that work includes modifying or adding to the specified systems, that work will require an amendment to an existing Compliance Schedule. The application must list each specified system or, if the building work is an amendment to an existing building, the application should list all specified systems in any way affected by the building work. The application must also include the inspection, maintenance and reporting procedures for the specified systems.

The 2004 Act defines a specified system as a system or feature that is:

- Contained in a building.
- Contributes to the property functioning of the building (e.g. sprinkler system)
- Declared by the Governor-General, by Order in Council, to be a specified system for the purpose of this Act.

Regulation 4 and Schedule 1 of the Building (Specified Systems, Change the Use, and Earthquake-Prone Buildings) Regulations 2005 list the specified systems.

Some examples of these are:

- 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 backflow preventers connected to a potable water supply
- Lifts, escalators, travellers 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
- Smoke control systems
- Emergency power systems for, or signs relating to, any of the above systems
- Systems for communicating evacuation
- Final exits
- Fire separation
- Signs
- Smoke separators

## **CABLE CARS**

Cable cars were not previously considered a specified system; however, after 31 March 2008 a Compliance Schedule must be issued for a building that has a cable car attached to it, or if it is serviced by a cable car. This includes dwellings that have a cable car.

## **BUILDING WARRANT OF FITNESS**

A Building Warrant of Fitness (BWoF) is a statement supplied by a building owner, confirming that the systems specified in the Compliance Schedule for their building have been maintained and checked in accordance with the Compliance Schedule for the previous 12 months, and that they will continue to perform as required.

The requirements in the Building Act 2004 for BWoFs are similar to those of the Building Act 1991. Important changes include that:

- An owner must provide to the Territorial Authority, with their BWoF, copies of Form 12A certificates from IQP / LBPs, including any recommendations made by the IQP / LBP.
- The Territorial Authority must retain copies of the Form 12A certificates.
- The Territorial Authority must consider any recommendation to amend a Compliance Schedule made by an IQP / LBP and where necessary make any changes to the Compliance Schedule after giving the owner an opportunity to provide comments.
- After 31 March 2008, all buildings services by, or attached to, cable cars will require a BWoF.
- A Territorial Authority can now charge a fee for undertaking a BWoF inspection.
- The owner must supply the BWoF to the Territorial Authority on each anniversary of the issue of the Compliance Schedule.

A BWoF must be supplied on Form 12 of the Building (Forms) Regulations 2004. It must include the following information:

- The location of the particular building
- Current lawfully established use including number of occupants per level and per use (if more than one)
- The owner of the building
- Original date the building was constructed
- The highest fire risk category for building use
- Certificates relating to inspections, maintenance and reporting.

The Building Act 2004 requires that:

- The BWoF must state that the inspection, maintenance and reporting procedures of the Compliance Schedule have been fully complied with for the previous 12 months.
- A copy of each certificate issued by the IQP for each of the specified systems, along with any recommendations for amending the Compliance Schedule, must be attached to the BWoF provided to the Territorial Authority.
- The owner must use the prescribed BWoF form in the Building (Forms) Regulations 2004, providing all the information and attachments required in that form.

Building owners will be required to continue to engage IQPs to undertake the inspection, maintenance and reporting procedures listed on the Compliance Schedule.

IQPs provide building owners with a certificate verifying the inspection, maintenance and reporting procedures for each specified system have been fully complied with. IQPs will issue the certificates on Form 12A of the Amendment Regulations 2005.

An IQP is generally a person that is registered on the South Island IQP Register.

An IQP is only registered after he / she can prove that they have the necessary competence to undertake the inspections, maintenance reporting on the specified features noted on the Compliance Schedule / Building Warrant of Fitness.

### **INDEPENDENT QUALIFIED PERSON (IQP)**

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.

A register of IQPs for the South Island is maintained in accordance with the Act by Timaru District Council.

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

### **WHAT HAPPENS IF I AM DISSATISFIED WITH 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.

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

### **Making 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  
Waimate District Council Building Consent Authority  
PO Box 122, WAIMATE 7960

All complainants will be responded to within 24 hours 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 dissatisfied 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 for a Determination.

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

**PLANS & SPECIFICATIONS**

The current Building Act requirements and Ministry of Business, Innovation and Employment directives call for concise, specific documents that relate to the job being applied for. Builders and designers are expected to be fully aware of all necessary details required when lodging a consent application. All items with a tick are compulsory documents. Those with a dot are optional documents if applicable. This document is a guide only and maybe subject to change without notice. Applications lodged with lack of or poor quality plans and or specifications ***will be refused.***

**Standard Documents that maybe required with your Building Consent Application**

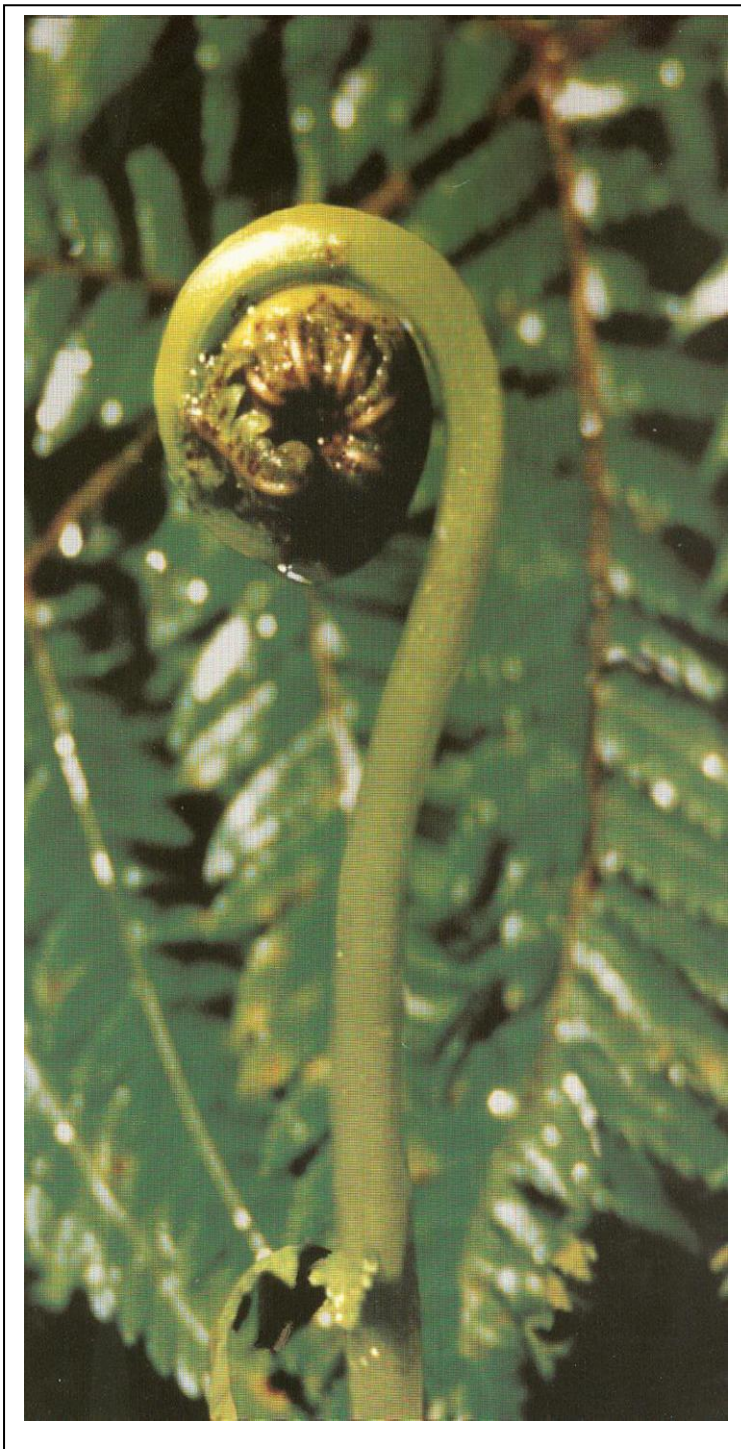
E2 Risk Matrix	✓	•										
Heritage Report		•	•								•	•
Section 118 Disability Report											•	•
Section 112 Fire Report											•	•
Specialised Systems Details											•	•
PS2 Design Review											•	•
PS1 Design	•	•	•	•		•					•	•
Storm Water Disposal	✓	✓		✓	✓	•						✓
Plumbing & Drainage Design	✓	✓	•	•			•	•			•	✓
Cladding Design	•										•	•
Membrane Design	•	•	•								•	•
Truss Design	•	•	•	•		•					•	•
Engineered Foundations	•	•	•	•		•					•	•
Site Plan	✓	✓	•	✓	✓	✓					•	
Cross-sections	✓	✓		✓	•	•					•	✓
Elevations	✓	✓	•	✓	✓	✓					•	✓

<b>Residential / Rural</b>	Proposed Floor Plans	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Existing Floor Plans		✓	✓						●
	Specification	✓	✓	✓	✓		✓			✓
	Schematic Diagram	●	●	●				✓		✓
	Flue Design	●	●	●				✓	✓	
	Installation Manual	●	●	●				✓	✓	✓
	New Dwelling									
	Additions									
	Internal Alterations									
	Garage, Carports, etc									
Minor Outbuildings										
Farm Buildings										
Boiler Installation										
Heater Installation										
Solar Installation										

<b>Commercial / Industrial</b>	Alterations	✓	✓	✓
	Additions	✓	✓	
	New Structure			✓

✓ = Compulsory Documents

● = Option Documents (if applicable)



#### **ADDITIONAL SOURCES OF INFORMATION**

Further information can be obtained from the following websites:

Department of Building & Housing  
[www.dbh.govt.nz](http://www.dbh.govt.nz)

Consumer Build  
[www.consumerbuild.org.nz](http://www.consumerbuild.org.nz)

Department of Internal Affairs  
[www.legislation.govt.nz](http://www.legislation.govt.nz)

or contact:  
WAIMATE DISTRICT COUNCIL  
125 Queen Street  
WAIMATE  
Ph: 03 689 0000  
[Info@waimatedc.govt.nz](mailto:Info@waimatedc.govt.nz)  
[www.waimatedc.govt.nz](http://www.waimatedc.govt.nz)