

### **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:

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

To achieve this purpose, the Act requires anyone proposing to do building work to obtain a project information memorandum (optional) and a building consent from a building consent authority before commencing building work.

### **Who administers the building act?**

The Department of Building and Housing ([www.dbh.govt.nz](http://www.dbh.govt.nz)) is the government department responsible for administering the Building Act 2004.

### **What is a building consent authority?**

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.

Hurunui District Council is a local Territorial Authority that has been accredited as a building consent authority – herein referred to as Council.

### **What is a project information memorandum?**

A project information memorandum (PIM) is a memorandum issued by the territorial authority (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)
- 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
- New Zealand Historic Places Trust (heritage buildings / sites)
- New Zealand Fire Service Commission

### The memorandum also includes:

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

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

A project information memorandum does not give any form of approval under the District Plan or Building Act.

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

### Do I need a project information memorandum?

Obtaining a PIM is voluntary, however information provided in a PIM may be useful when designing your project. Council recommend that you apply for a PIM, especially if you are building in Hanmer Springs. A PIM can be applied for separately or in conjunction with your building consent.

### How to apply for a PIM

An application for a PIM must be made on the [PIM/ BC 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.

### Documentation required

All applications must be accompanied by 1 copy of;

- site plan,
- floor plan,
- building elevations
- Certificate of Title (proof of ownership) or Sale and Purchase Agreement (if recent purchase)

### How long does it take?

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

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

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

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

### What is a building consent?

A building consent is the formal approval issued by a building consent authority (BCA) that works meet the requirements of the New Zealand Building Act, Building Regulations and Building Code.

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

Exempt work is listed on Schedule 1 of the Building Act 2004. This may be viewed on the web on <http://www.dbh.govt.nz/blc-building-act>.

## When is a building consent required?

A building consent is required for most work including:

- swimming pools, spa pools and fencing
- retaining walls over 1.5m (no surcharge)
- retaining walls any height incurring a surcharge
- decks over 1.0m high
- pergolas attached to buildings
- free-standing non-habitable buildings larger than 10m<sup>2</sup>
- plumbing and drainage work including replacing hot water cylinders
- demolition
- relocation of buildings
- additions, alterations to existing buildings
- new buildings
- change of use (may include an increase in occupant numbers)
- heating including fireplaces
- ventilation and air-conditioning systems (commercial)
- small dams (more than 35,000 litres of water)

For guidance or further information please contact customers services on 03 3148816.

## 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 sufficient information.

All building consents are required to be approved within 20 working days, however; if information is deficient the time clock is stopped and a formal request will be made for further information. The time clock is not restarted until all 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.

## How do I apply for a building consent?

You will need to complete a [PIM/ BC application form – Form 2](#) and a [Building Consent / PIM Check Sheet - T-02f](#); and provide information that is relevant to your building project.

Application forms can be obtained from:

- our website, or
- Council's office at 66 Carters Road, Amberley or
- alternatively call us and we will post you one out

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 customer services will vet your plans 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, together with a deposit is accepted. The clock starts the next working day after the application has been accepted. If your application is declined, it will be returned with a list advising the type of information that is required.

### **How long is my building consent valid for?**

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

All building work should be completed within 2 years from the date that the building consent was granted. If the project has been delayed, it may be possible to apply for an extension to this time.

### **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:

- 2 sets of plans
- 2 sets of specifications
- 1 set of engineering calculations (if applicable)
- 2 sets of wall bracing calculations (if applicable)
- An E2 risk matrix (demonstrating weathertightness features) if applicable
- A search copy (less than 6 months old) of the Certificate of title for the property
- Fee/Deposit

For more detailed information refer to the [Building Consent / PIM Check Sheet - T-02f](#) identifying more detailed information.

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

This depends on the type of application, cost of work involved and the level of detail provided. Our charges are listed on our website and are based on the length of time it takes to process an application and include costs such as:

- levies payable to the Department of Building and Housing (payable on all applications over \$20,000)
- levies payable to BRANZ (payable on all applications over \$20,000)
- time spent processing the application
- number of Inspections required (type and number vary depending on application)
- issue of compliance schedule (if applicable)
- development contribution (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 fee will apply if you withdraw your application for time already spent processing the application

### **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 but merely a check to ensure all information has been provided. Your application maybe rejected at this time if insufficient information has been provided.

Once the application has been vetted it is then receipted, entered into our processing system and allocated a unique identifier (you're building consent number). At this point the 20 working day time clock is started.

The application is then allocated and circulated to the various disciplines within Council for processing, i.e. planning, building and utilities.

Each discipline will review your application and assess it for compliance. If there are any questions or concerns a letter will be sent to you requesting further information or clarification.

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 all disciplines are satisfied that compliance is achieved, then a final check is made to ensure all work has been assessed correctly.

An invoice will be created for all the processing, inspection costs and levies associated with the Building Consent and the Consent issued. When the invoice is paid the building consent will be released.

If we consider that the building consent cannot be granted we are required to refuse to issue consent. This does not alleviate the requirement to pay any outstanding building consent fees.

Unfortunately; having a building consent does not necessarily mean that construction may start. In some cases other permissions (like resource consent) may first need to be obtained. Such details will be notified on your PIM or building consent.

### **How will I be notified?**

When your application is ready for issue (or refused issue) and all fees are paid your building consent will be posted to the contact person nominated on the application form.

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

If your application has been denied then you will be formally advised with reasoning for this.

### **What are building consent conditions and/or advice notes?**

There may be conditions and/or advice notes imposed on your building consent which are deemed necessary.

It is important that you read and understand all conditions and/or advice notes before commencing work. If you do not understand any condition and/or advice note then please contact us to discuss these.

### **The inspection process**

#### **What inspections do I need?**

During processing of the building consent application we will determine what inspections will be necessary to enable us to be satisfied on reasonable grounds that compliance will be achieved. Each inspection will be identified along with the requirements for that particular inspection. A list of inspections will be attached to your building consent.

#### **Inspections by Others**

Sometimes it is necessary for specialists to conduct inspections in addition to the inspections carried out by Council. If a specialist inspection is necessary you will generally be advised on the Building Consent documents.

Typically these types of inspections may involve having a geotechnical engineer confirm ground stability, or having an aspect of specific structural design checked by a registered engineer.

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

## How do I book an inspection?

Building inspections are booked through the Customer Services team on 03 3148816 (do not contact the building inspector directly).

Inspections are undertaken by appointment only.

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

- building consent number
- site address
- name & phone number of contact person on site
- date and time the inspection is required (am / pm)
- type of inspection, i.e; plumbing, drainage, pre-pour, pre-slab, pre-line, etc

Inspections for the Amberley Ward (Broomfield, Leithfield, Leithfield Beach, Amberley and Amberley Beach) are undertaken on Tuesdays and Thursdays, inspections for all other areas are undertaken on Monday, Wednesday and Friday.

NB: It is your responsibility (or your contractor's responsibility) to notify Council at least 1 clear working day before you require an inspection.

## How do I know if the inspection has been passed?

For an inspection to take place the approved building consent documentation is required to be on site.

At the conclusion of each inspection the outcome will be recorded on an inspection notice by the Inspector and a copy left on site, or if requested a copy may be faxed to an agent.

## What if the inspection has not been approved?

If an inspection is failed, the work to be rectified will be recorded on the inspection notice. In most cases another inspection will be required to inspect remedial work.

Re-inspections will be charged for.

If the work is not remedied to the satisfaction of the building inspector, it is likely that a notice to fix will be issued.

## What is a notice to fix?

A notice to fix is a formal notice issued by Council advising that certain works have not been carried out in accordance with the Building Code.

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 Territorial Authority (Council).

## Do I need a practical completion inspection?

Yes, all building consents require a practical completion inspection (final).

Your consented building work should be completed within 2 years of the date that the building consent was granted.

If you can not complete the work within this timeframe it is essential that you contact us to discuss possible ramifications.

If we do not receive advice of practical completion within 2 years of granting a building consent Council will send out a reminder letter advising that a Code Compliance Certificate has not yet been issued and that Council has the right to make a decision to refuse issue of code compliance certificate.

When all work has been completed in accordance with the building consent a code compliance certificate may be issued.

### **What is a code compliance certificate?**

A code compliance certificate is Council's verification that all works undertaken comply with the approved building consent. It is an important document and should be retained for future reference.

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

Council has 20 working days to decide whether to issue or to refuse to issue a code compliance certificate.

### **What about issuing code compliance certificates for building consents issued under the 1991 Act or that have not been issued by Council?**

Providing council are satisfied the building work has been constructed to comply with the building code in place at the time of construction and has continued to meet the provisions of the building code, a code compliance certificate may be considered. (This includes maintenance).

If Council can not be satisfied on reasonable grounds, a code compliance certificate may be refused.

Should Council refuse to issue a code compliance certificate and you consider that this is not justified then you may wish to approach the Department of Building & Housing ([www.dbh.govt.nz](http://www.dbh.govt.nz)) and obtain a determination.

### **What is a determination?**

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

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

### **Applying for a determination**

Applications for determination and the associated cost may be found on the DBH website ([www.dbh.govt.nz](http://www.dbh.govt.nz)).

### **How long does it take to get the determination?**

The DBH 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 working day period does not include time delays 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 DBH has the power to make the determination if the information requested is not provided in reasonable time.

## **Building work that may need to be done before a determination is issued**

If you have been sent a notice to fix about work that is unsafe, you must comply with this notice.

### **Sales by residential property developers - section 364**

Section 364 of the Building Act 2004 introduces important consumer protection measures covering the sale of household units by residential property developers or 'spec' builders.

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

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

### **What is the reason for this?**

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

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

### **What is meant by a 'household unit'?**

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

### **What does 'complete the sale' mean?**

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

### **How is 'residential property developer' defined?**

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

### **Can you contract out of this requirement?**

The developer and purchaser may contract out of this provision but only on a form prescribed under the Building (Forms) Regulations 2004. This form (Form 1) makes the consequences of buying a property without

a Code Compliance Certificate clear to consumers. It also advises consumers to obtain independent legal advice before signing. Copies of Form 1 are available from the DBH website [www.dbh.govt.nz](http://www.dbh.govt.nz).

## **Commercial and industrial properties**

### **Section 363 public premises**

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

In certain circumstances it may be possible to apply for a certificate for public use, which will allow a building to be used before the code compliance certificate issued. Each application will be considered on a case-by-case basis.

### **What are public premises?**

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

- shopping malls, cinemas
- maraes
- camping grounds
- garages and workshops
- funeral homes
- office / retail complexes
- rest homes, etc

### **What is a compliance schedule?**

A compliance schedule is a document issued by the building consent authority for buildings that contain specified systems. Specified systems include:

- automatic systems for fire suppression
- automatic or manual emergency warning systems for fire or other dangers
- electromagnetic or automatic doors or windows
- emergency lighting systems
- escape route pressurisation systems
- riser mains for use by fire services
- automatic back-flow preventors connected to a potable water supply
- lifts, escalators, travelators, or other systems for moving people or goods within buildings
- mechanical ventilation or air conditioning systems
- building maintenance units providing access to exterior and interior walls of buildings
- laboratory fume cupboards
- audio loops or other assistive listening systems
- smoke control systems
- emergency power systems for, or signs relating to, a system or feature specified for any of the above

From 31 March 2008, a single household unit requires a compliance schedule, if it contains a cable car or is serviced by a cable car.

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

### **What is a compliance schedule statement?**

A compliance schedule statement is issued at the same time as the code compliance certificate by the building consent authority and lists the specified systems within the building. It must be replaced in 12 months with a building warrant of fitness, which is issued by the building owner.

### **How do I obtain a compliance schedule?**

A compliance schedule will be issued with a code compliance certificate if a new building has one or more specified systems. If an existing building has a compliance schedule & if during alteration an existing specified system is removed or new systems are installed then the compliance schedule will be amended and a copy of this will be issued with the code compliance certificate.

## **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 at the time of application for a building consent. These performance standards are required to identify the inspection, maintenance and reporting procedures required for each system.

## **Can I be prosecuted for not obtaining a compliance schedule or if my building warrant of fitness has expired?**

Yes, depending on the alleged offence the fine ranges from \$20,000 to a maximum of \$200,000.

## **What is a building warrant of fitness? (BWOFF)**

A building warrant of fitness (Form 12) is a statement issued by the building owner to Council stating that the requirements of the compliance schedule have been fully met.

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

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

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

You are legally required to obtain written reports relating to the inspection, maintenance and reporting procedures of the compliance schedule. These should be signed by the Independent Qualified Persons (IQP) or Licensed Building Practitioner (LBP) who has carried out any of the listed procedures, (inspection, maintenance or reporting).

You are required to keep all reports for a period of 2 years and produce these for inspection when required.

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

An Independent Qualified Persons (IQP) who is recognised by council as qualified to carry out any performance inspection, maintenance, reporting or recommendation on a specified system. Please refer to [www.timaru.govt.nz/pdf/building/South%20Island%20Register%20Alpha.pdf](http://www.timaru.govt.nz/pdf/building/South%20Island%20Register%20Alpha.pdf) for current IQP information

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

- determine if a person is qualified
- choose an appropriate LBP, and
- identify which LBP's have been disciplined within the last 3 years.
- DBH website [www.dbh.govt.nz](http://www.dbh.govt.nz)

## **Complaints**

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### **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; have this heard and resolved.

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

### **What is a building control function?**

A complaint in relation to building control is defined as a complaint about:

- meeting statutory time frames
- lodgement or vetting of building consent applications
- processing of building consent applications
- inspection of work under construction
- issuing of a notice to fix
- issuing of code compliance certificates
- issuing compliance schedules
- failure to provide appropriate information or advice
- fees and charges
- failure to meet legislative or Building Code requirements

### **How do I make a complaint?**

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

Complaints or Appeals should be addressed to:

Technical Leader – Building Controls  
Hurunui District Council  
P O Box 13  
Amberley 7441

### **What information is required?**

- date incident occurred
- nature of complaint (vetting, lodgement, inspection, notice to fix, code compliance certificate or compliance schedule)
- copies of any supporting information (if applicable)
- relationship (customer, regulator, or stakeholder)
- name and contact details

### **How long does it take?**

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

### **Do I have a right of appeal?**

Yes, if you do not agree with the outcome you may request a review of the decision. All appeals must be made in writing setting out the reasons why you disagree with the decision.

### **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 DBH for a Determination. Visit [www.dbh.govt.nz](http://www.dbh.govt.nz) for further information on this service.

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## Dams

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### What is a dam?

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

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

A dam **includes**:

- a flood control dam
- a natural feature that has been significantly modified to function as a dam
- a canal.

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

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

### What is an appurtenant structure?

The pump house, power source, conduits, penstocks, spillways, sluice gates, intake tower, etc are all appurtenant structures.

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

If your structure holds more than 35,000 litres of water but does not meet the definition of a dam, it will still likely require a building consent.

### Do I need a building consent for a dam?

Yes, all dams holding more than 35,000 litres of water or other fluid require building consent.

### What information do I need for building consent?

You will need to get in touch with your local regional authority to discuss building consent requirements for dams. ([www.ecan.govt.nz](http://www.ecan.govt.nz))