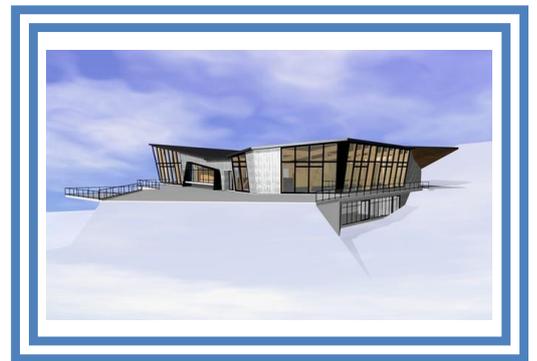




Where Adventure Begins



Ruapehu District Council Building Control



**A guide to building
control and the
building consent
process.**

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A General Guide

This guide contains important information about applying for a building consent from the Ruapehu District Council. It covers the entire process, from applying for a building consent, through to the application and issue of a code compliance certificate.

The guide is primarily designed to help those that are new to the building consent process and Council's building controls. However, it also contains valuable information, for those with some knowledge and experience of building control and Council's building controls processes and procedures.

What is a Building consent

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

Building consents are concerned primarily with health and safety of the building occupants or users. New building work or alterations to buildings are subject to national rules and regulations. However, buildings must also comply with the Resource Management Act and the Council's District Plan. There may be circumstances when you will require a resource consent before you can commence any building work, despite a building consent having been issued for the work. In such cases the building consent will have a notice attached in terms of Section 37 of the Building Act 2004.

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 your project fits within Schedule 1. If you are unsure whether you will need a building consent or not, please check with Council or talk to a builder or designer.

Copies of Schedule 1 and the Ministry of Business, Innovation and Employment Guide are available from the Ministry of Business, Innovation and Employment website at www.mbie.govt.nz

Remember, it is the owner's responsibility to ensure that the correct decision is made whether building work is exempt. 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

At the time of application you have the ability to request a PIM and building consent or just a building consent.

The person undertaking the 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. A notice to fix may be issued and prosecution may follow if the notice is not complied with.

A certificate of acceptance may be applied for in terms of Section 96 of the Building Act 2004. However, this may not necessarily be granted and nor will you necessarily be immune from prosecution.

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 only by the courts. Indications and guidelines issued by the Ruapehu District Council are provided with the intention of helping people to understand the legislation. However, they are offered on a "no liability" basis, and in any particular case those concerned should consult their own legal advisers.

More frequently now, homeowners are finding out that a previous owner has carried out building work without building consent and this usually surfaces when the property is offered for sale. If this is the case with you, you should discuss the matter with a building inspector as it may be possible for Council to issue a certificate of acceptance.

Building Code Compliance

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 compliance documents such as 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
- CodeMark products
- Simple house acceptable solution
- Multi use approved design

Application Process

Building consent applications are now on-line at www.simpli.govt.nz.

Please ensure that all sections of the application form completed and all required documentation attached.

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.

- a) Record of Title: recent search copy less than three months old, or a sale and purchase agreement if the title is not in the applicant's name. If the site is new and does not yet have a title, then the subdivision scheme plan is required.
- b) Site plan, showing buildings, ground and floor levels, and separation dimensions.
- c) Outline floor plans (for all floors).
- d) Outline elevations.
- e) Outline cross sections.
- f) Foundation plans (timber or concrete slab).
- g) Detailed drainage plans.
- h) Detailed floor plans.
- i) Detailed elevations, show height in relation to boundary planes and risk matrix calculations
- j) Cross sections.
- k) Timber treatment.
- l) Framing details.
- m) Construction details.
- n) Weather-tightness details and risk matrix for each elevation.
- o) Internal waterproofing details.
- p) Plumbing details.
- q) Specifications for the work.
- r) Bracing design.
- s) Roof truss design.
- t) Engineer's details and producer statements.
- u) Specified systems noted along with the maintenance, inspection, and reporting procedures.
- v) Effluent design report if Council services are not available to the site.

Once you have gathered all the necessary information you may arrange for a pre-lodgement meeting with Council officers if you choose.

Otherwise, you will need to lodge your consent application via the simpli portal.

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

- On-line vetting check to determine if all required information has been submitted.
- Processing vetting check process to allow for any additional information the processing officer may require.
- Processing/checking for compliance.

Details of each process are listed below for your information.

Checking the Application

The Building Administrator at the Council will check your application to ensure that the right documents have been provided. (This is not the technical check.)

If the application is incomplete, it will not be accepted by the Council, and you will receive an SRFI (Submission Request Further Information).

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

The Building Administrator will create a Pro-Forma Invoice for lodgement fees. This will be uploaded to the portal and no further action will be taken on your consent until the lodgement fees have been paid.

Once fees are paid, the application is then 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 send you an RFI (Request Further Information) via the portal. This is a list itemising what

information is required before we can start processing your application.

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.

The Council has 20 working days from the date a complete application is received for processing, to decide whether to issue, or to refuse to issue the building consent. (Note: when a complete application is received, the processing clock starts and Council has 10 working days for multi-use building consents and 20 working days for all other types of applications.)

Granting and Issuing

Once the application has been vetted for completeness, a Building Control Officer will review your application and assess it for compliance against the means of compliance selected by the applicant or designer in the application form. Generally the means of compliance will be an acceptable solution or verification method which is deemed to comply with the performance provisions of the building code. However, alternative solutions may also be presented for review. Where alternative solutions have been used, sufficient information will need to be provided to clearly demonstrate compliance with the relevant provisions of the relevant building code clauses. If there are any questions or concerns you will receive an RFI requesting further information or clarification. The 20 working day clock is suspended until all 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 1991 (RMA) 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

(specified systems) features and backflow prevention.

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.

The Building Administrator checks that the fees have been paid and checks if any additional fees are required. The Building Administrator generates the GST invoice. This will be uploaded to the portal. If additional fees are required the building consent is placed on hold until all fees are paid.

You will receive your building consent in the portal. The building consent documents are stamped with the following stamp e.g.

Approved - Ruapehu District Council - BC 24049 - 9/03/2021 - 1 of 1

Important Note:

A building consent lapses and is of no effect if the building work to which it relates does not commence within:

- **12 months after the date of issue of the building consent; or**

Any further period that the building consent authority may allow.

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.
3. You can commence building work once consent documents have been issued, as long as there is no Sect 37 Notice under the RMA attached. If a Sect 37 Notice is attached, you are required to satisfy Council’s Resource Consent Planner and have this signed off, before you can commence building.

Conditions and 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 (this is a statutory condition that applies to every building consent)
- Specified intended life
- Building on land subject to natural hazards
- Building over two or more allotments
- Waivers and modifications

Advice notes or notices attached to building consents are simply that – advice from Council that certain requirements should be met or may be helpful information in relation to the building consent and building work.

Cost

The total cost depends on the type of application, cost of work involved, and the level of detail provided. The quality of information provided at the time of application will also affect the overall fees.

Fee components may include but not limited to:

- a) Levies payable to BRANZ (payable on all applications of \$20,000 building value) see fee schedule.
- b) Levies payable to Ministry of Business, Innovation and Employment, (payable on all applications of \$20,444 building value) see fee schedule
- c) Building consent authority (BCA) levies see fee schedule
- d) Administration fees.
- e) Processing (time based).
- f) Inspections (type and number vary depending on the nature of the building project).
- g) Development contribution will be assessed at time of consent see fees and charges
- h) Compliance schedule fees (if applicable).
- i) Code Compliance Certificate

Some aspects of the application may be processed and/or reviewed by outside consultants. There is a requirement for some applications (generally commercial projects) to be sent to Fire and Emergency New Zealand. There may be additional fees to pay if your application needs to be sent to outside consultants. Note the building consent cannot be issued until these additional fees are paid.

While our staff can provide an estimate of the fees involved, the final cost will not be known until the processing is completed.

Inspections

The officer processing your application will do an assessment to determine what inspections will be necessary so that the Council can be satisfied that the building work will achieve compliance with the plans and building consent. A list of inspections and advisory notes will be attached to the building consent. Please ensure that you read the advisory notes and are familiar with them before starting building work.

The prime purpose of inspections is to ensure that the building work undertaken complies with the building consent and

building code. Where work is found not to comply with the building consent or building code, the inspecting officer will ask for the work to be remedied. This may require an amendment to the building consent and a requirement to cease work until the matter is resolved may also be issued. However, if the non-compliant work is relatively minor and there is no real adverse impact on the building consent or project, the inspecting officer may permit specific work to continue. Once the non-compliant work has been remedied, Council will generally undertake a further inspection to ensure compliance. If the non-compliance is significant or continues a Notice to Fix (NTF) may be issued. This is the commencement of formal proceedings to achieve compliance. At the completion of the project Council is required to issue a CCC (code compliance certificate) which contains a statement that the building work complies with the building consent. The CCC cannot be issued if this is not the case.

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

Building Inspections:

- 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 or 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 - 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.

- 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.

Plumbing Inspections:

- Drainage - testing any drainage work prior to back filling and before covering any field drains.
- Pre-slab - plumbing in/under the floor slab.
- Pre-line - plumbing systems before fitting any linings.
- Final - final inspection on completion of work.

Inspections by External Specialists

In addition to the Council's inspections, it may be necessary, in special circumstances, for external specialists to conduct inspections that fall outside the normal building inspection process. These may include a geo-technical engineer to 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 applicant's responsibility to arrange and pay for. If a specialist inspection is necessary, you will be advised in your granted consent documentation under Third Party Inspections. These inspections will be included in the building consent as a condition under Sec 90 of the Building Act.

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. Council generally only accepts producer statements from engineers that hold a current Chartered Professional Engineer's (CPEng) practicing certificate. Other authors, that are qualified and experienced in the specific field for which the producer statement is being issued, may be approved by Council's building control manager.

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 the work complies with the Building Code and/or building consent. Refer also inspections by external specialists.

Booking an Inspection

When you are ready for an inspection, please contact the customer service officers, phone Taumarunui 07 895 8188 or Ohakune 06 3858364, or use the GoBuild app. Please make sure you have the following information available:

- Building consent number.
- Site address.
- Name and phone number of the contact person on site.
- Email address for site notice.
- Date the inspection is required.
- If the building work is RBW (restricted building work) then the licenced building practitioner's (LBP) number will need to be provided.
- Type of inspection, eg. plumbing, drainage, foundation etc.
- Important notes.

Please give at least three working days advance notice of your inspection request. Council endeavours 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 to notify Council that an inspection is required.

The Inspection

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

The safety of people (including building officers) on the construction site is your responsibility. This includes providing safe access to all parts of the site to allow work to be inspected.

In accordance with the NZ Health & Safety Act (large sites)

Ladder access must be securely founded and tied.

Scaffold access is likely to be required for larger buildings.

Once the works pass inspection, the building control officer will sign off the appropriate site notice and work can continue.

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

Result of the Inspection

Following the inspection the inspector will advise the person on-site if the inspection has been passed and record it on the inspection site notice. The inspection site notice will be emailed to the nominated recipient. If the inspection fails, the work to be rectified will be recorded on the site notice, and the inspection site notice will be emailed to the nominated recipient. **If the failure is significant, this may affect the continuation of works.** Another inspection will be required, to inspect this remedial work.

You may 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

A council must issue a Notice to Fix (NTF) for any work that doesn't meet the requirements of the Building Act 2004 or building regulations, which includes the building code. For example a NTF may be issued for building work not carried out in accordance with a current building consent or perhaps work that does not comply with the building code. A NTF is the commencement of formal proceedings to achieve compliance with the Building Act or Regulations. If a NTF is issued, a letter explaining the process will accompany the NTF

A NTF is issued to a specified person/s. A specified person may be:

- The owner
- The person/s carrying out the building work
- Any other person/s supervising the building work

The NTF will

- Specify the contravention
- Specify what is required to remedy the contravention
- State a time frame within which it must be complied with
- State conditional continuation of work
- Require the specified person to contact Council when the required remedy has been completed

It is an offence under section 168 of the Building Act 2004 failing to comply with a NTF.

Minor Variations & Amendments

During the construction process, invariably there are changes made. These changes

can be recorded by way of minor variations and amendments.

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

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

Please ensure that when changes are made that the correct method for minor variations and amendments is followed and notify Council as early as possible so the work onsite is not slowed down as a result of any changes.

Code Compliance Certificate

Code Compliance Certificates are issued by a building consent authority confirming that certain building works have been completed and comply with the building consent.

When all the building work is completed in accordance with the building consent, a code compliance certificate (CCC) can be issued. This is verification from the building consent authority that all works undertaken comply with the building consent and the NZ Building Code. It is an important document, and should be retained for future reference.

A building owner must (section 92(1)BA) apply to Council for a code compliance certificate (CCC) after all building work to be carried out under a building consent granted to the owner is completed.

You can apply for a CCC by sending the Council the completed "Application for Code Compliance Certificate" Form 6 issued with your building consent if the consent was issued prior to 11 February 2021. Otherwise you can apply via the Simpli portal.

Your application for a CCC should be accompanied (where applicable) with:

- Licensed Building Practitioners (LBP) memos or records of work
- Energy certificates
- Any PS3 or 4 producer statements
- Any certifications issued during construction
- Copies of warranties
- Engineer's reports
- As-built drawings (drainage in particular)

Any other relevant documentation issued or obtained during construction

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

The Council must issue the CCC 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 has been issued 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 banned building methods or products have been used
- That all relevant energy certificates have been received
- That all development contributions have been paid

Having received an application for a CCC, if it is found that not all the required information has been submitted with the application, the 20 working day processing clock will be suspended. The applicant will be notified, requesting the outstanding information. Once all this information has been received the clock is re-started and the processing of the application will continue. Buildings that require a compliance schedule will also have this issued with the CCC

A review of fees paid for inspections will be made when the CCC has been approved for issue. Additional inspection fees will be charged if the inspection fee paid when the application was lodged is not enough to cover the inspection time actually used. The CCC will not be issued if there are any unpaid fees. In addition, Council may charge for additional correspondence, decisions, consultations, meetings and the like that have occurred during the construction process. These costs may be added to the final consent costings prior to the code compliance certificate being issued.

If the building consent was issued under the 1991 Act, Council may issue a CCC, if they are satisfied that the building work complies with the Building Code at the time the building 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. Older consents may have a CCC issued, however, there would be a durability amendment noted on the document.

If an owner does not apply for a code compliance certificate within 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.

When can I occupy my building?

Residential buildings may be occupied once practical completion has been achieved. That is when the building is weather-tight and has all its sanitary fixtures and fittings operational.

If the owner desires to occupy a building (either new or undergoing alteration) which is open to the public or being used by members of the public then that building cannot be occupied prior to the issue of the CCC. However, an application can be made to Council for a Certificate of Public Use that will permit part/s of the building to be occupied provided certain criteria and conditions are met.

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, and 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. In this case, the parties to the determination are the building owner and the Council.

All parties to a determination are treated equally.

You can ask for, or be involved as a party to a determination, if you are:

- The building owner or the owner's agent.
- The Council that issued the building consent.
- The owner of other property when the determination is about the protection of that property (for example, the potential spread of fire from one property to another, surface water run-off or land stability).
- A Government Ministry or Crown agency that has a statutory duty under the Building Act, such as the Fire & Emergency NZ or Work Safe NZ.

- Anyone with a direct interest in the problem or question if it has to do with access and facilities for people with disabilities.

The Ministry can initiate a determination where it believes it is necessary to achieve the aims of the Building Act. The Ministry 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).

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 Ministry of Business, Innovation and Employment can make a determination about:

- Whether a building or building work complies with the Building Code.
- A Council's decision on a building consent, a notice to fix, a code compliance certificate, certificate of acceptance, certificate for public use, or a compliance schedule (including time extensions to building consents and code compliance certificate).
- A Council's decision to make a waiver or to modify the Building Code.
- A Council's decision on building alterations, a change of building use, subdivision of buildings and dangerous, earthquake-prone and insanitary buildings.
- A Council's decision on dams.

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.

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. These are in two categories and are available from the Ministry of Business, Innovation and Employment website. The categories are:

- Single houses, attached houses, flats and apartments up to four units, and garages and sheds,
- All other buildings

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

- Clearly labelled (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

The Building Act includes types of building work that are exempt from the requirements to obtain a building consent. Schedule 1

lists building work that can be undertaken without a building consent.

These exemptions recognize 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.

Even if the proposed building work does not require a building consent, it is still a requirement of the Building Act **that all building work complies with the Building Code (refer to section 17 of the Building Act). The building work may also be required to comply with other legislation, such as the Hazardous Substances and New Organisms Act 1996, the Resource Management Act 1991 (and any local district plan rules) and any relevant local government bylaw requirements.** If you are unsure that requirements may apply to your project, Council recommends that you seek advice from your designer, builder or Council.

Compliance Schedules

A compliance schedule lists specified systems within a building. These systems ensure a building is safe and healthy 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 Building Act 2004 allows more options for the administration of compliance schedules by Councils and, significantly, the ability to charge a fee for services. New requirements include:

- 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 can charge a fee for issuing a compliance schedule.
- A building consent authority must state in a building consent the specified systems 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.

In order to grant a building consent and compliance schedule for building work containing specified systems the following information must be provided with the building consent application:

- a) Description of the specified system including the type and make and model
- b) The performance standard/s for each specified system
- c) A description of the:
 - i. Inspection procedure
 - ii. Maintenance procedure
 - iii. Reporting procedure

The above descriptions can be reference to a prescribed acceptable solution or prescribed verification method or a building method or product.

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 alteration to an existing building, the application should list all specified systems in any way affected by the building work.

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.

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, 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
- 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 separation
- 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 Building Act 2004 requires

- An owner to provide to the Territorial Authority, with their BWoF, copies of Form 12A certificates from IQP, including any recommendations made by the IQP.
- The Territorial Authority to retain copies of the Form 12A certificates.
- The Territorial Authority to consider any recommendation to amend a compliance schedule made by an IQP and where necessary makes any changes to the compliance schedule after giving the owner an opportunity to provide comments.
- All buildings after 31 March 2008 serviced 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 to supply the BWoF to the Territorial Authority on each anniversary of the issue of the compliance schedule.
- A BWoF to 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 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.

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.

What is an IQP

An IQP (independent qualified person) is a person who is accepted by the Territorial Authority as being appropriately qualified to undertake the inspection and maintenance of the feature concerned. This person should not have a financial interest in the building.

What are National Multiple-Use Approvals?

The Building Amendment Act (passed in July 2009) allows that from 1 February 2010 the Ministry of Business, Innovation and Employment to issue National Multiple-Use Approvals. This means that volume builders can apply to obtain NMUAs for building designs that will be replicated several times in any district, regionally or nationally. The benefit of NMUAs is that the Ministry can 'pre-approve' these building designs for Building

Code compliance. Such an approval is issued in the form of a MultiProof.

What is a MultiProof?

A MultiProof is a statement issued by the National Multiple-Use Approval Service of the Ministry of Business, Innovation and Employment, that a specific set of building plans and specifications complies with the New Zealand Building Code. A MultiProof is not, and does not replace, a building consent. The holder of a MultiProof must apply with the relevant building consent authority (your local Council) for a building consent each time they wish to construct the design to which the MultiProof relates.

What Must be Included in a Building Consent Application that relies on a MultiProof?

Each application that relies on a MultiProof to demonstrate compliance with the Building Code must include:

- A completed copy of the building consent application form (including a statement of the project value for the whole project, not just the site-specific portion)
- Any applicable consent lodgement fees
- A copy of the MultiProof certificate, which will show any applicable conditions
- A complete copy of the plans and specifications to which the approval relates (these will bear MBIE's approval mark and will include any relevant approved customisations)
- Full details of any site-specific features proposed for the building (such as a site drainage plan or site-specific foundation details)
- Any technical information, calculations and design producer statements or other evidence needed to establish the Building Code compliance of the building's site-specific features (if applicable)
- A statement addressed to the BCA (your local Council) stating that the

design for which the building consent is being sought complies with the approval issued by the Ministry of Business, Innovation and Employment, and meets all the conditions of the MultiProof (such as wind or snow loading restrictions) for the proposed site.

Further information is available from the Ministry of Business, Innovation and Employment which has published further information about NMUAs on their website, www.mbie.govt.nz, including the benefits, who are eligible, how to apply and the assessment process.

Project Information Memorandum (PIM)

A PIM is a document issued by the Territorial Authority (Council). It assists in establishing the feasibility of a specific project on a piece of land, and is useful for clarifying at an early stage what will be involved in a project. It should not be confused with a Land Information Memorandum (LIM) which has a different use and purpose.

Applying for a PIM is voluntary. However, it is advisable to obtain a PIM at the early stages of a building project. This gives the designers or developers any valuable information about potential areas of concern before proceeding to full design and applying for a building consent. This can avoid time and money spent on costly re-design.

What information is included in a PIM?

A PIM provides information that must be taken into account for the proposed project and the land on which it is to be built, including information on special features such as:

- Erosion
- Avulsion (removal of land by water action)
- Falling debris
- Subsidence
- Slippage

- Alluvium (the deposit of silt from flooding)
- Wind Zones
- Snow Loads

The PIM will also include information in relation to the presence of hazardous contaminants which are known to Council and may be relevant to the design, construction or alteration of your proposed building project, details of water, storm-water or wastewater utility systems which relate to your proposed building work or to your building site.

It also identifies any additional approvals required such as:

- Resource Management Act requirements
- Heritage New Zealand (heritage buildings/sites)
- Fire & Emergency New Zealand

A PIM confirms that you may carry out the building work on the land subject to the requirements of the building consent and Building Act; and any other necessary authorisations being obtained such as resource consent.

If resource consent is required prior to the commencement of building work a Section 37 certificate will be attached to the building consent restricting what building work, if any, may be commenced prior to the issue of the building consent.

How do I apply for a PIM?

An application for a PIM can be made through our online portal at www.simpli.govt.nz using the building consent application form. Please ensure you have provided all the information needed to process your application.

How long does it take?

Council is required to issue the PIM within 10 working days of the application being received. If further information is required, this period is suspended until the required

information has been received. The PIM must then be issued within 10 working days after the information has been received.

How much does it cost?

The fee is required at the time of application. A Fees & Charges pamphlet is available from Council, or online from Council's website.

What do I do with my PIM?

A copy of the PIM should be given to your designer so that they can use this information to ensure that the building design is appropriate for the land on which you intend to build.

Please note that the PIM does not give any form of approval under the district plan or Building Act, or authorisation to commence work. You should contact the Council Planner to determine that 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.

Certificate for Public Use

A Certificate for Public Use (CPU) may apply to building work where the public are able to enter the building. For a building, to which the public would normally have access, the public cannot be permitted to enter until the code compliance certificate is issued. The only way a portion of the building can be used is to obtain a Certificate for Public Use.

This is a document issued by Council to allow parts of a building to be used by the public before the code compliance certificate is issued. The CPU will only be issued if the portions of the building involved are safe and sanitary and safety features such as fire warning systems are in place and operational. CPUs are intended to allow significant development to be built and occupied in stages.

Restricted Building Work

The implementation of restricted building work (RBW) was from 1 March 2012 and required some additional policies and procedures for Building Consent Authorities (BCAs). The following are some proposed guidelines to these changes.

Public information in the form of a booklet named "Build It Right", published by the Ministry of Business, Innovation and Employment (the Ministry), is available at Council offices. Additional information is also available at the following website address (<http://www.mbie.govt.nz/lbp>). This website contains background information on licensing and RBW for the trade as well as the consumer.

Complaints or Inquiries

Any complaints or inquiries can be made in person, by phone, fax or email. Please refer to Council's Complaints Policy on our website.

Building Consent Application Vetting

Building consent vetting should include checks to ensure the certificate of work (CoW) has been fully completed including whether or not there may be a need for any modifications or waivers. You should ensure that the CoW declaration is signed.

The Consent Process

Checks should be made to establish if the design or any named trade building practitioners are registered or appropriately licensed. The Ministry's public register can be found at

(<http://lbp.mbie.govt.nz/publicregister/search.aspx>)

However, there are a number of registers that may need to be considered.

NZ Registered Architects
<http://www.nzrab.org.nz/NonCMS/Find.Architect.aspx>

Engineering New Zealand
<http://www.engineeringnz.org>

Plumbing Gasfitters & Drainlayers
<https://www2.pgdb.co.nz/PGDB/PublicRegister.aspx>

The designer should have identified all the RBW and indicated if there is a need for a building waiver or modification on the CoW. If there is more than one design licensed building practitioner (LBP) involved then each designer needs to supply a CoW to cover the sum of the RBW. With repeated substandard applications the BCA should formally advise the LBP board. It is recommended that the building consent states what documentation is expected to be supplied to the BCA prior to the issue of the code compliance certificate. All records of work (RoW) should be included in this list of required documents.

LBP's are designers, carpenters, brick and block-layers, roofers, external plasterers, site and foundations specialists who have been assessed to be competent to carry out work essential to a residential building's structure or weather-tightness (including fire design for small to medium sized apartment buildings).

If you're thinking of getting building or renovation work done on your house or apartment, you need to check if it's 'restricted building work' (RBW). If it is, you'll need a licensed building practitioner – or LBP – to do it.

Restricted building work involves the building's structure, weather-tightness, and design of fire safety systems (only for small to medium sized apartment buildings). Because this work is so important, it's only allowed to be done by licensed building practitioners (LBP's). LBP's are assessed before getting licensed, and have to maintain their skills to keep their licence.

Owner Builders

Owner-builders are able to carry out restricted building work (RBW) on their own home.

You are an owner-builder if you:

- live in or are going to live in the home (includes a bach or holiday home)
- carry out the RBW on 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 RBW to any other home within the previous 3 years.

DIY Work

Most DIY (do-it-yourself) work is usually minor repair, maintenance or alteration work, and doesn't fall within the category of RBW. For this work nothing has changed and homeowners can continue to do this work as they always have.

RBW is work that requires a building consent and relates to the primary structure of your home, or affects its weather-tightness. Building work that is in the RBW category must only be done by or under the supervision of LBP's, unless you are using the owner-builder exemption. If you are a suitably skilled owner-builder and meet the criteria above, you can carry out this work, but if you have any doubts you are recommended to hire an LBP to do this critical building work.

An owner-builder is responsible for ensuring that RBW carried out under the owner-builder exemption complies with the building consent and the relevant plans and specifications.

As the owner-builder, family members and friends can help you with the RBW to your home, as long as you are not paying them to help you.

Future buyers will have access to information that shows the building work was carried out by the owner rather than an LBP.

Using the Owner-Builder Exemption

Before you can use the owner-builder exemption you need a written declaration showing that you meet the owner-builder criteria. The statutory declaration form, available on the Simpli portal under Toolbox, has to be witnessed and signed by a Justice of the Peace or someone else authorised by law to do so. This form needs to be given to your local council with your application for a building consent, or before the construction of RBW on your home starts.

It is an offence under the Crimes Act 1961 to give false information in a Statutory Declaration, and it is also an offence under the Building Act 2004 to give false information.

Your local council can give you more information on the owner-builder exemption. Legislative detail can be viewed at: [Building Act 2004](#)

Alterations to Existing Buildings (section 112)

Council must not grant a building consent for the alteration of an existing building or part of an existing building unless it is satisfied that after the alteration the building will:

- a) comply as nearly as is reasonably practicable with the Building Code provisions for means of escape from fire and access and facilities for people with disabilities (if required)
- b) continue to comply with the other provisions of the Building Code to at least the same extent as before the alteration.

Council may, by written notice, grant an application to allow alterations to take place without the building complying with the relevant provisions of the Building Code if it is satisfied that:

- if the building were to comply with the relevant provisions of the Building Code, the alteration would not take place
- the alterations will result in improvements to the means of escape from fire or access and facilities for people with disabilities or
- the improvements outweigh any detriment likely to arise as a result of the other non-compliance with the Code.

Change of Use, Extension of Life, and Subdivision of Buildings (sections 114-116)

An owner of a building must give written notice to the Council if they propose to change the use of a building, or extend the life of a building with a specified intended life. Notice must also be given if the owner of a building proposes to subdivide land in a manner that affects a building. If the owner fails to give written notice in these circumstances they commit an offence and are liable to a maximum fine of \$5,000.

Change of Use

An owner of a building must not change the use of a building unless the Council gives the owner a written notice stating that the Council is satisfied that the building in its new use will comply with the provisions of the Building Code that relate to:

- a) means of escape from fire, protection of other property, sanitary facilities, structural performance, and fire-rating performance
- b) access and facilities for people with disabilities.

It must also comply with the other provisions of the building code to at least the same extent as before the change of use.

If the use of a building is being changed to include household units where these did not previously exist, the building must then comply as nearly as is reasonably practicable with the building code in all

respects. This will require a significant assessment of the existing building across all relevant aspects of the building code, and decisions will need to be made about what constitutes 'as nearly as is reasonably practicable' about a range of Code clauses.

Specified Intended Life

Only a territorial authority can grant a building consent for a building with a specified intended life. This is on the condition that the building must be altered, removed or demolished before the end of the specified life, and any other conditions the Council considers necessary.

Extension of Life

Where a building consent has been issued subject to the condition that the building must be altered on or before its specified intended life (imposed under section 113(2) of the Act) the life of such a building may not be extended unless written consent is obtained from the Council. The Council can only give its consent if it is satisfied that the building has been altered in accordance with the condition and it will comply with section 112 of the Act.

Sub-Division of Buildings

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.

Building on Land Subject to Natural Hazards

Unless specific mitigating measures are taken to protect the land, building work, or other property from the natural hazard or hazards, or to prevent any acceleration or worsening of a hazard or hazards, Council must refuse to grant a building consent for the construction of a building or major alterations to a building.

In terms of section 71(3) a natural hazard means any of the following:

- a) Erosion (including coastal erosion, bank erosion, and sheet erosion)
- b) Falling debris (including soil, rock, snow, and ice)
- c) Subsidence
- d) Inundation (including flooding, overland flow, storm surge, tidal effects, and ponding)
- e) Slippage

In some instances it may not be reasonable to mitigate a natural hazard but it may be reasonable and appropriate for Council to consider a waiver or modification of the building code. This will be considered on a case by case basis upon application from the building owner supported with appropriate documentation.

When a building consent is granted for building work on land subject to natural hazards, Council must include as a condition of the consent, that Council will on issuing the consent notify the consent to the Registrar-General of Land. Where the building work occurs on Maori land the Registrar of the Maori Land Court will be notified. In the case of Crown land the appropriate Minister and the Surveyor-General will be notified. Such notifications are required to be recorded on the relevant Certificate/s of Title.

In the event that the hazard no longer exists, Council must notify the appropriate agency to have the notification removed from the Certificate/s of Title.

New Consumer Protection Measures

New consumer protection measures came into effect from the 1 January 2015. These changes are designed to encourage a “professional, no surprises” relationship between Licenced Building Practitioners (LBP’s) and their clients.

For LBP’s, you now must:

1. Provide a written contract that must include certain minimum content, for building works \$30,000 or more (including GST) whenever you are given the job directly by the homeowner. Buy one from Standards NZ (3902:2004); get one from your industry association or use a lawyer to create your own.
2. Provide a standard checklist to any client whose building work costs \$30,000 or more or who asks for a copy of this before you sign a contract. Download a copy from www.doyourhomework.co.nz or pick one up from your local trade merchant.
3. Give a written disclosure statement to any client whose building work costs \$30,000 or more or who asks for a copy of this before you sign a contract. A template is available at www.doyourhomework.co.nz to help you cover your bases.
4. Once the building work is completed, give your clients information on any insurances, guarantees or warranties that cover the completed work and information about any maintenance requirements.

In addition to these requirements: For building work done under contracts signed after 1 January 2015, a 12-month defect repair period starts when the work has been completed, during this time it is the contractor’s responsibility to prove that any defects are through no fault of their own or their product) if there is a dispute.

The homeowner has new ways to take action when the implied warranties in the Building Act 2004 have not been met.

You can be fined if you do not comply with the law.

To support these measures, the Ministry of Business, Innovation and Employment has written guidance booklets. You can download the [Guidance for contractors](#) and the [Guidance for homeowners](#), or pick up a hard copy from any major trade merchant.

For more information regarding these changes, visit www.doyourhomework.co.nz

Additional sources of Information...

Further information can be obtained from the following websites:

- Ministry of Business, Innovation and Employment
www.mbie.govt.nz
- Consumer Build
www.consumerbuild.org.nz
- Department of Internal Affairs
www.legislation.govt.nz
- Ruapehu District Council
www.ruapehudc.govt.nz
- Simpli – online portal
www.simpli.govt.nz

Or call Ruapehu District Council on:
06 385 8364 or 07 895 8188