The Building Consent Process

at the Western Bay of Plenty District Council
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Introduction

This booklet has been prepared to assist applicants for building consents. For ease of reading some information and references to the Building Act and Code have been condensed. It is intended to be of assistance to most residential building projects but some applicants whose project is more complex or commercial may need to refer to the Act or Code or seek the advice of a building professional for additional information to complete their application. Please also refer to our separate publication “Building Control Frequently Asked Questions”.

What is a building consent?

The Building Act 2004 (the Act) regulates building work to ensure buildings are designed and built properly the first time.

Section 40 of the Act requires that buildings are not to be constructed, altered, demolished or removed without a building consent.

A building consent is the legal authority for building work to be carried out. It is granted after your planned project has been assessed as being compliant with the Building Code (the Code).

A consent is needed for most building work. Our team is able to assist you and advise if the project you are considering needs a consent.

The meaning of building in Section 8 of the Act is very broad – “a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery or chattels)”. The meaning of building can include pool fences, retaining walls, flagpoles, telecommunications aerials as well as the more conventional buildings such as houses, extensions thereto etc and commercial buildings.

Building work that does not require a building consent is listed in Schedule 1 of the Act (see Appendix 1).

All building work must comply with the building code

Irrespective of whether a consent is required all building work must comply with the Building Code.

It is the owner’s responsibility to demonstrate how their building work complies with the Code.

Restricted building work and licensed building practitioners

From 1 March 2012, if your residential building work is structural or it affects the weather tightness of the building, it may be “Restricted Building Work”. This means only Licensed Building Practitioners (LBP) are permitted to design and carry out the work. They MUST either DO or SUPERVISE the work. Please refer to our application form for building consent for more information and refer to dbg.govt.nz/builditright for detailed information.

Owner-Builders

Owner-Builders are able to carry out Restricted Building Work 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 Restricted Building Work to your own home yourself, or with the help of your unpaid friends and family members, and
- Have not, under the Owner-Builder Exemption, carried out Restricted Building Work to any other home within the previous 3 years.
**DIY Work**

Most DIY work is usually minor repair, maintenance or alteration work and doesn’t fall within the category of Restricted Building Work. For this work nothing has changed and home owners can continue to do this work as they always have.

Restricted Building Work is work that requires a building consent and relates to the primary structure of your home, or affects its weathertightness. Building work that is in the Restricted Building Work category must only be done by or under the supervision of Licensed Building Practitioners, 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 Licensed Building Practitioners to do this critical building work.

An Owner-Builder is responsible for ensuring that Restricted Building Work carried out under the Owner-Builder Exemption complies with the building consent and the relevant plans and specifications.

**Help with your DIY work**

As the Owner-Builder, family members and friends can help you with the Restricted Building Work to your home as long as you are not paying them to help you.

Future buyers will have access to information that show the building work was carried out by the owner rather that a Licensed Building Practitioner.

**Using the Owner-Builder Exemption**

Before you can use the Owner-Builder exemption you need to complete a Statutory Declaration form as to owner-builder status, showing that you meet the owner-builder criteria.

The statutory declaration form 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 Restricted Building Work 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.

Visit [www.builditright.govt.nz](http://www.builditright.govt.nz) or contact your local council for more information on the Owner-Builder Exemption.

For the necessary forms visit [www.dbh.govt.nz/owner-builder-exemption-forms](http://www.dbh.govt.nz/owner-builder-exemption-forms)

**DBH Multiproof Approval Scheme**

This scheme may be of interest if you construct several buildings of standardised or highly similar designs. You must have the intention and ability to build an approved design at least 10 times in a two year period. Further details are available from Department of Building and Housing website: [dbh.govt.nz/multiproof](http://dbh.govt.nz/multiproof). The DBH has 40 days to approve or decline your application. When your design is approved and the DBH has issued a multiproof certificate you may then apply to us for a building consent. We have 10 working days to check site specific design etc and decide whether to issue a building consent.

**Are other approvals needed before building work can commence?**

Sometimes to comply with Council’s District Plan a resource consent may be needed. Obtaining a Project Information Memorandum (PIM) before you lodge your application will provide you with valuable information that can assist you to determine if you need a resource consent. If resource consent is needed we will tell you. Until a resource consent is obtained your building consent may be placed on hold or issued with conditions. BUILDING
WORK MUST NOT START until building consent is issued and (if required) a resource consent is approved.

**What is a Project Information Memorandum (PIM)?**

Section 32 of the Act, provides that an owner may apply for a PIM.

A PIM is issued by Council and provides you with information that is likely to be relevant to your proposed building work.

While not compulsory we strongly recommend a PIM is obtained prior to the lodgement of your building consent application. It can prevent delays in processing your application and provides you with information such as:

- District Plan issues – do you need a resource consent?
- Earthquake and corrosion zones.
- Special features of the land concerned, such as potential erosion, subsidence, slipping and flooding.
- Stormwater and drainage disposal details, easements.
- Environmental health issues.

Information in a PIM can assist you to design your proposal to comply with the District Plan and any other legislative requirements.

Even if you do not obtain a PIM before lodging your building consent application, we need to consider the information normally contained therein, as part of our project information consideration (PIC) and this assessment is included in our fees.

**When should a building consent be applied for?**

Unless exempted under Schedule 1 of the Building Act a building consent MUST BE APPLIED FOR (AND APPROVED BY COUNCIL AS BUILDING CONSENT AUTHORITY) BEFORE ANY BUILDING WORK COMMENCES.

Section 40 of the Act provides for heavy fines (up to $100,000) for work undertaken without a consent.

When considering any building work we strongly advise you discuss your project with us at an early stage. We can provide you with information that assists with your design of the project and advise other issues you need to consider e.g. Resource Consents.

**How do I apply for a building consent?**

If you are able to do so we recommend you (or your agent) comes to our Barkes Corner Office to discuss your project with us. We will provide you with relevant advice, the application forms prescribed in the Act and other supporting information you need to lodge with your application. This includes an Applicants Guide for completing a building consent application explaining what information you need to provide with your application.

Council provides an advisory service to assist you to complete the technical aspect of your building consent application.

Alternatively:

1. Application forms and guides are available at our customer services department and our offices at Omokoroa, Te Puke, Katikati and Waihi Beach, or
2. Free phone 0800 926 732, 0800 WBOPD, or

**Building Consent Lodgement Meetings**

As from 4 March 2013 applicants are required to attend a lodgement appointment before applications are accepted by Council.
The purpose of these meetings is to ensure that all information necessary to facilitate the processing of your building consent is provided at the lodgement stage. Since introduction this service has reduced the volume of Requests for Further Information that prior to the introduction of this service significantly extended processing times and costs.

It is highly recommended the person attending the lodgement meeting has an understanding of all the technical information about your building project needed to support your application for building consent. This person needs to be able to identify the information requested on the lodgement checklist.

The following types of consent applications do not require lodgement meetings:

- Solid Fuel Heaters
- Solar Water Heaters
- Demolition
- Drainage
- Amendments

**How long does it take to get a building consent?**

Section 48 of the Act sets a maximum statutory time limit of **20 working days** from the time of receiving your application in which this Council, as the Building Consent Authority (BCA) must grant or refuse your application.

Applications are generally processed in the order they are received. Over 12 months we receive approximately 1000 applications and how many are on hand at one time controls how quickly we can process yours. We have however, consistently processed most applications within the 20 days.

If we need further information from you to complete your application the 20 day timeframe stops until we receive the requested information.

**How much does a building consent cost?**

A schedule of fees (please note fees are reviewed annually) for the current financial year (available as a separate handout), can be found on our website or can be posted to you on request.

The total fee you pay includes an amount based on the value of your project, the administrative and inspection work to be carried out by us, and building industry levies.

A lodgement fee based on the value of your project is payable at the time you lodge your building consent application. You will be advised of the balance of the total fee after your application has been processed. The total fee must be paid before your consent can be granted and issued to you.

The total fee is made up of:

- Processing fee – counter service, clerical work, computer record, consent issue, filing and other administrative work.

- Plan Checking fee – for Building Code compliance check, approving the consent for issue, customer liaison. Processing time is charged at **$120 per hour**.

- Inspection fees – based on the estimated number of inspections, bookings, site visits and travel. On completion of the job an adjustment will be made for the actual number of inspections needed. An additional invoice may be issued or refund arranged.

- Building Industry Levies – not a Council fee but required by statute and paid on to Building Research Association of New Zealand (BRANZ) and the Building and Housing Group Ministry of Business, Innovation and Employment (MBIE).
• Fees for other services – some additional services are a separate charge such as endorsements on the property file, a rural number identification, vehicle crossing, water connections, peer reviews, fire service consultation and specialist reports.

• Project Information Memorandum (PIM) – for file searching, location maps, site visit and travel (if required), administrative processing.

• Project Information Consideration (PIC) – ensuring project meets requirements of District Plan.

**Keeping your costs down and saving time – suggested “Do’s and Don’ts”**

**Do:**
- Discuss your project with us at an early stage.
- Provide everything asked for on the application checklist, don’t try to avoid inspections.
- Use Licensed Building Practitioners (LBP) for Design work.
- Use qualified and experienced trades people – refer section on LBP’s.
- Provide quality plans and specifications covering the entire project.
- Co-ordinate the work to avoid unnecessary additional inspections.
- Ensure the work is completed and ready at inspection time and complies with the NZ Building Code.
- Don’t conceal work until it has been inspected, talk to the inspector if you have problems.
- Book inspections at least 3 full working days in advance.

**Don’t:**
- Do any work that fails to comply with the NZ Building Code.
- Call for inspections when the work isn’t ready.
- Use the Council Inspector as an advisory service or designer.
- Provide inadequate plans and specifications.
- Forget to book your inspections at least 3 working days ahead.

**How will I know when my application for a building consent has been processed?**

Once we have assessed your project for compliance with the Building Code, we will send you a letter informing you whether your building consent has been granted or refused. If granted you will receive:

1. An invoice for the balance of the fees and types.
2. A list of the estimated inspections types we will need to carry out during your project and how to book these.
3. Advice of your building consent number.
4. General information relating to the issuing of Building Consents together with any specific conditions attached to your consent.

If your building consent has been refused the letter will include reasons for this refusal.

Upon payment of all fees and satisfaction of any conditions your building consent will be issued to you.

It is important that until your granted consent is issued NO BUILDING WORK IS COMMENCED. Commencing work before your consent is issued may inhibit our ability to inspect and prevent the issue of a Code Compliance Certificate on completion of your project.

**Does a building consent lapse?**

Yes, Section 52 of the Act states that a building consent lapses if the building work to which it relates has not commenced within 12 months after the date of issue of the building
consent. There is provision to allow an extension of the 12 month period. Should your building work be delayed we recommend you discuss with us as early as possible to see if an extension may be granted.

**Inspections**

When your building consent is issued we will estimate the number and type of inspections required for your project. Typically they will cover the foundations, framing and insulation, plumbing, drainage, cladding and flashings, and the finished building.

As we cannot predict how the builder will progress the project, additional inspections are often needed.

Once you begin building you will need to book inspections with us and one of our Building Control Officials will inspect your project at appropriate times to ensure the work meets the appropriate standards.

It is very important all the required inspections are called for. Without regular inspections there may not be sufficient information on record to issue a Code Compliance Certificate (CCC) on completion of your project.

Builders and Installers often arrange inspections relevant to their work but the property owner is ultimately responsible and we recommend you maintain at least a watchful brief that identifies all inspections are completed.

Annually we undertake in excess of 5000 inspections. To minimise delays in your project we strongly recommend you book your inspections at least 3 full working days in advance.

**Booking Inspections**

The purpose of inspections is to enable us to confirm your project fully complies with the New Zealand Building Code and issue a Code Compliance Certificate when all work is satisfactorily completed. There are a variety of inspection types and those that need to be undertaken on your project will be advised when your building consent is approved.

Inspections can be booked by telephoning (07) 571 6514. The more notice you are able to give us (a minimum of 3 full working days is recommended) assists us to manage our workloads and improves your chances of having the inspection on the day you prefer.

The number of inspections undertaken daily and the considerable distance travelled by our inspectors prevents the allocation of specific inspection times when the booking is made. We do however ring you the day before advising the estimated time for the inspection.

When you book your inspection, if you have a genuine need for it to be in the morning, or the afternoon, please advise the person you are speaking to. We will try to meet your request if the day’s inspection programme permits.

Please be aware our inspectors travel hundreds of kilometres each week and sometimes are unable to arrive at the estimated inspection times. If delayed they will endeavour to ring you.

YOU MUST HAVE YOUR BUILDING CONSENT NUMBER available when you book inspections. We provide a message service if we are unable to answer your call. We will return your call to confirm your inspection booking.

All inspection types undertaken are charged for. Our inspection charges are per inspection type not per visit to the site. Frequently several inspection types are completed at one visit. Each inspection type incurs a separate fee. It is important that the work is ready when the Building Control Official visits to inspect. It is essential the trades people working on your project, have the work ready and up to building code requirement at the time of inspection. If we need to undertake extra inspections or recheck inspection types that have failed these will incur additional charges invoiced to you. Conversely if less than the estimated number of
inspections are required, you will receive a refund. Some larger projects e.g. with multiple buildings require additional time to inspect and may incur additional fees.

**NB:** Please note as from 1 July 2014 failure to cancel unwanted booked inspections at least 1 working day prior to booked day will be charged at $75.00 per booking.

**Amendments to Approved Building Work**

On completion of a project the approved building consent documentation must record an accurate reflection of what has actually been built. From time to time changes to the building work are necessary and are not strictly in accordance with the approved building consent. You will need to complete an Application for Amendment to obtain approval for these changes.

Below is a guide to the type of work that constitutes major and minor variations.

**Minor variation**

Is a change that does not usually affect compliance with the Building Code. Council must be notified about any proposed variation so we can confirm the change is minor. All minor variations must be recorded by the Building Control Official e.g. a handwritten note on consented plans and an inspection record note.

Examples of minor variations are:
1. Minor wall brace changes.
2. Changing a room layout (except where travel distances are affected).
3. Substituting one make/model of solid fuel heater for another.
4. Changing one brand of insulation for another with the same R value.

**Major variation (requires a formal amendment)**

A major variation is generally, where the work is outside the scope of the original consent. It may also impact on 1 or more of the Building Code clauses. A formal amendment is required for the new work to be undertaken.

Examples of major variations are:
1. Deck or carport shown on approved documents but no longer to be built.
3. A change to the assembly e.g. acrylic shower unit to a tiled shower unit.
4. Different foundation design to the approved documents.

Work that requires a formal amendment must have prior approval from Council.

**Work that cannot be considered as an amendment and requires a new Building Consent application**

1. Alterations/Additions relating to the same building but not directly to the work in any other Building Consent.
2. Significant increase in size to a project already with a Building Consent. These to be considered on their own merit.

Processing fees will be incurred where a major variation applies through a formal amendment.

**What happens if the inspector is not happy with the building work?**

There will be times when our inspector will assess that building work does not meet building code requirements. Our inspector will advise what must be done to remedy and in most cases this will be resolved on site by discussion with the builder.

Occasionally the inspector may consider it necessary for a “Notice to Fix” to be issued as provided by sections 164/165 building Act 2004. As well as requiring work to be made to comply with the building code, these notices can require the building site be made safe and/or that all work cease immediately.
Should you or your builder have concerns about the technical judgement of our inspector please bring this to our attention immediately. We will then investigate and this may include a peer review by an appropriate person.

**Allocation of Inspector to building work**

The Building regulations require that Building Control Officials (often known as “inspectors”) have both an appropriate NZ qualification and their level of competency is reviewed at least annually. Competency levels range from residential 1 – 3 and commercial 1 – 3.

When allocating work to inspectors we ensure the inspector’s level of competency is appropriate for the building work you are undertaking.

Allocation of inspectors to projects is strictly the prerogative of council. There is no facility to request a preferred inspector to view your project.

**What is a Notice to Fix?**

A Notice to Fix is a legal document requiring work that contravenes or fails to comply with the Building Code/Act to be remedied. It can require the remedial work to be completed within a specified time or that all work on the project cease immediately. Provided your project complies with the Building Code, this process will not be necessary.

**Is any work exempt from inspections?**

Generally, gas and electrical work is not inspected. This type of work must be undertaken by a licensed professional and on completion you will receive from them a signed energy work certificate. You will need to produce these certificates to us before a Code Compliance Certificate is issued.

**Producer Statements**

Are statements from applicators of particular systems/products/materials applied by that person to confirm it has been applied in accordance with manufacturer’s specifications and meets the requirements of relevant sections of the Building Code.

Producer statements may be accepted in lieu of some processing and inspection functions. This is usually identified at the processing stage of your building consent. Producer statements will only be accepted in our approved format from applicators we have approved in advance. Acceptance is solely at Council discretion. A fee may be charged for assessing and recording Producer Statements.

**What is a Code Compliance Certificate (CCC) and how do I apply for one?**

A Code Compliance Certificate (CCC) is the document that confirms the Building Consent Authority (this Council) is satisfied your project has been built in accordance with the approved consent and plans, meets the appropriate standards and complies with the Code.

If you sell your property not having a CCC can impede your sale process. Prospective buyers or their solicitors often ask to see this certificate. We strongly recommend you apply for a CCC as soon as the building work is completed.

**When must I apply for a Code Compliance Certificate?**

Section 92 of the Act, states an owner must apply for a CCC as soon as the building work is completed. If the owner does not apply, Section 93 of the Act requires Council (as BCA) to make a decision within 2 years after the date of the building consent or such other time as may be agreed whether to issue a CCC.

An application form will be sent to you with the building consent. A fee is charged for issuing the CCC.
Long delays between when the building work is completed and when the CCC is applied for can cause complications, delays, additional fees and other unnecessary expenses for home owners. These often arise when the owner has signed an agreement for sale and purchase to sell the building.

**What if my application for a Code Compliance Certificate is refused?**

Occasionally if we are unable to determine the work has been completed in accordance with the building code we may refuse to issue a Code Compliance Certificate (CCC). You have a right of appeal against our decision by applying to the Department of Building and Housing (DBH) for a Determination under Section 177 of the Act. If you wish to consider this process we can refer to you the “Guide to Building Act Determinations” published by DBH.

**What if I am unhappy with the way my building consent has been processed?**

Western Bay of Plenty District Council has a “Customer Complaint Management System” (CCMC). If at any stage you have concerns about how your application has been dealt with please advise us as early as possible. There are several ways you can have your concerns addressed:

1. By ringing or visiting our Customer Care team. They will record your concerns and refer them to the most appropriate person. If you are telephoning you may be transferred to an appropriate senior staff member.
2. By placing your concerns in a letter or email addressed to the Chief Executive Officer.

**Can I occupy or sell the building before it is finished?**

For most residential dwellings the answer is yes.

Section 364 of the Act makes it an offence for a RESIDENTIAL PROPERTY DEVELOPER to sell a household unit or allow a purchaser to enter into possession before a Code Compliance Certificate (CCC) is issued – refer to the Act for specific detail and exemption in specified circumstances. See also MBIE booklet ‘Sales by Residential Property Developers’.

Special provisions also apply to a building that is “INTENDED FOR PUBLIC USE”. Section 363 of “the Act” makes it an offence if such buildings are used for which:

a) No building consent has been approved.

b) No Code Compliance Certificate has been issued.

Fines up to $200,000 plus up to a further $20,000 for every day the offence continues can be imposed.

Examples of buildings intended for public use are:

- Libraries
- Community Halls
- Schools
- Camp Ground Facilities.

The Act states a building is intended for public use if it is intended to be open to the public, or is being used by the public, whether for free or on payment of a charge.

**Buildings not used wholly as a single household unit require ‘Compliance Schedules’**

An owner must obtain a compliance schedule under Section 100 of the Act if the building (including buildings used as a single household unit) has:

a) A cable car attached to it or,

b) Is serviced by a cable car and,

c) Has any specified systems.

A list of specified systems is attached as Appendix 3.
A specified system contributes to the proper functioning of the building, for example, an automatic sprinkler system.

NB: Buildings used wholly as a single household unit require a Compliance Schedule only if it has a cable car attached to it or servicing it.

A compliance schedule confirms performance standards, inspection, maintenance and reporting and other essential information for specified systems required by the Act are being met. Refer to the Act for specific details.

Owners must supply Council with details of any systems incorporated within the building when lodging an application for building consent.

A compliance schedule will be issued by this Council once the Code Compliance Certificate has been issued.

**Building Warrant of Fitness (BWOF)**

If a building has a compliance schedule its owner must, on each anniversary of its date of issue, supply a Building Warrant of Fitness (BWOF) to this Council.

A BWOF is a statement supplied by a building owner confirming the systems specified in the compliance schedule have been maintained and checked for the previous 12 months, and will continue to perform as required.

A BWOF must be supplied on the prescribed form by an independent qualified person engaged by the building owner. Contact us if you need the prescribed form or further information.

Existing buildings with specified systems also require a BWOF every 12 months.

**Additional information on specific technical aspects of building control work**

We have a variety of additional publications about the topics listed in Appendix 2. Please request if you think one of these will be useful for your project.

Your building consent may require expert advice from an independent external qualified professional.

Our team will assess your application to determine if professional input/comments are required from outside the organisation in the areas mentioned on pages 11 and 12 of this booklet.

**Hazardous Goods – input required if:**

Any materials have the properties below and are stored in the proposed building work:

1. Of an explosive nature.
2. Of an oxidizing nature.
3. Of a corrosive nature.
4. Flammable.
5. Have acute and chronic toxicity.
6. Ecotoxicity with or without bioaccumulation.
7. Has one or more of the above properties on contact with air or water.

**Health Officer – input required if:**

The Health (Registration of Premises) Regulations 1966 require the premises to be registered. Examples of these premises are:

1. Hairdressers.
2. Food preparation and sales.
New Zealand Fire Service – input required if:

The fire design for the project is an alternative solution AND you answer yes to any of the following questions:
1. Are hazardous substances stored?
2. Are early childhood facilities provided?
3. Is specialised care for people with a disability provided?
4. Is specialised nursing, medical or geriatric care provided?
5. Are people in lawful detention?
6. Can 100 or more people gather in a common venue?
7. Can 100 or more people gather for different purposes or activities?
8. Are there facilities for more than 10 employees?

Fire Engineering and Structural Engineering Peer Reviews

Where complex fire design, alternative methods of construction or the skill of a particular individual designing the project (or part of) is in question then the application will be assessed by one of our Senior Building Control Officials to determine if a peer review is required.

Note: Applicant/Agent should be advised that additional copies of the relevant documents may be required and informed of any additional fees as soon as possible.

Square Metre of Properties for Insurance purposes

Council is aware homeowners may now need to be aware for insurance purposes of their house’s size in square metres. Council is not in a position to provide a service to undertake this calculation.

However depending upon the age of your home Council’s property file may contain information that will assist you to undertake the calculation. We suggest you obtain a Digital Property File from us at a cost of $35.00; this can be done online through our website. This will provide you with all the information we hold on buildings at your property, which may include the plans, applications and Building Permits (pre 1993) or Consents (post 1993). Please note for older properties only limited information may be available.

Before proceeding we advise you to first check with your insurer as to the method of calculation they will accept.

A ball park means to calculate the size of your property is by measuring the outside walls and doing the calculation from there. But if your insurer requires a more formal assessment you may need to engage a building professional.
Appendix 1

Schedule 1 - Building work for which building consent not required

Schedule 1: replaced, on 28 November 2013 (but building work for which a building consent was not required under old Schedule 1 but for which a building consent is required under new Schedule 1 does not require a building consent if the building work commenced before this date), by section 73(1) of the Building Amendment Act 2013 (2013 No 100).

Part 1

Exempted Building Work

GENERAL

1. General repair, maintenance, and replacement
   1) The repair and maintenance of any component or assembly incorporated in or associated with a building, provided that comparable materials are used.
   2) Replacement of any component or assembly incorporated in or associated with a building, provided that—
      a) a comparable component or assembly is used; and
      b) the replacement is in the same position.
   3) However, subclauses (1) and (2) do not include the following building work:
      a) complete or substantial replacement of a specified system; or
      b) complete or substantial replacement of any component or assembly contributing to the building's structural behaviour or fire-safety properties; or
      c) repair or replacement (other than maintenance) of any component or assembly that has failed to satisfy the provisions of the building code for durability, for example, through a failure to comply with the external moisture requirements of the building code; or
      d) sanitary plumbing or drainlaying under the Plumbers, Gasfitters, and Drainlayers Act 2006.

2. Territorial and regional authority discretionary exemptions
   Any building work in respect of which the territorial authority or regional authority considers that a building consent is not necessary for the purposes of this Act because the authority considers that—
   a) the completed building work is likely to comply with the building code; or
   b) if the completed building work does not comply with the building code, it is unlikely to endanger people or any building, whether on the same land or on other property.

3. Single-storey detached buildings not exceeding 10 square metres in floor area
   1) Building work in connection with any detached building that—
      a) is not more than 1 storey (being a floor level of up to 1 metre above the supporting ground and a height of up to 3.5 metres above the floor level); and
      b) does not exceed 10 square metres in floor area; and
      c) does not contain sanitary facilities or facilities for the storage of potable water; and
      d) does not include sleeping accommodation, unless the building is used in connection with a dwelling and does not contain any cooking facilities.
   2) However, subclause (1) does not include building work in connection with a building that is closer than the measure of its own height to any residential building or to any legal boundary.

4. Unoccupied detached buildings
   1) Building work in connection with any detached building that—
      a) houses fixed plant or machinery and under normal circumstances is entered only on intermittent occasions for the routine inspection and maintenance of that plant or machinery; or
      b) is a building, or is in a vicinity, that people cannot enter or do not normally enter; or
      c) is used only by people engaged in building work—
         i. in relation to another building; and
         ii. for which a building consent is required.
2) However, subclause (1) does not include building work in connection with a building that is closer than the measure of its own height to any residential building or to any legal boundary.

5. **Tents, marquees, and similar lightweight structures**
   Building work in connection with any tent or marquee, or any similar lightweight structure (for example, a stall, booth, or compartment used at fairs, exhibitions, or markets) that—
   a) does not exceed 100 square metres in floor area; and
   b) is to be, or has been, used for a period of not more than 1 month.

6. **Pergolas**
   Building work in connection with a pergola.

7. **Repair or replacement of outbuilding**
   The repair or replacement of all or part of an outbuilding if—
   a) the repair or replacement is made within the same footprint area that the outbuilding or the original outbuilding (as the case may be) occupied; and
   b) in the case of any replacement, the replacement is made with a comparable outbuilding or part of an outbuilding; and
   c) the outbuilding is a detached building that is not more than 1 storey; and
   d) the outbuilding is not intended to be open to, or used by, members of the public.

**EXISTING BUILDINGS: ADDITIONS AND ALTERATIONS**

8. **Windows and exterior doorways in existing dwellings and outbuildings**
   Building work in connection with a window (including a roof window) or an exterior doorway in an existing dwelling that is not more than 2 storeys or in an existing outbuilding that is not more than 2 storeys, except,—
   a) in the case of replacement, if the window or doorway being replaced has failed to satisfy the provisions of the building code for durability, for example, through a failure to comply with the external moisture requirements of the building code; or
   b) if the building work modifies or affects any specified system.

9. **Alteration to existing entrance or internal doorway to facilitate access for persons with disabilities**
   Building work in connection with an existing entrance or internal doorway of a detached or semi-detached dwelling to improve access for persons with disabilities.

10. **Interior alterations to existing non-residential building**
    Building work in connection with the interior of any existing non-residential building (for example, a shop, office, library, factory, warehouse, church, or school) if the building work—
    a) does not modify or affect the primary structure of the building; and
    b) does not modify or affect any specified system; and
    c) does not relate to a wall that is—
       i. a fire separation wall (also known as a firewall); or
       ii. made of units of material (such as brick, burnt clay, concrete, or stone) laid to a bond in and joined together with mortar; and
    d) does not include sanitary plumbing or drainlaying under the Plumbers, Gasfitters, and Drainlayers Act 2006.

11. **Internal walls and doorways in existing building**
    Building work in connection with an internal wall (including an internal doorway) in any existing building unless the wall is—
    a) load-bearing; or
    b) a bracing element; or
    c) a fire separation wall (also known as a firewall); or
    d) part of a specified system; or
e) made of units of material (such as brick, burnt clay, concrete, or stone) laid to a bond in
and joined together with mortar.

12. Internal linings and finishes in existing dwelling
Building work in connection with any internal linings or finishes of any wall, ceiling, or floor of an existing
dwelling.

13. Thermal insulation
Building work in connection with the installation of thermal insulation in an existing building other than in—
   a) an external wall of the building; or
   b) an internal wall of the building that is a fire separation wall (also known as a firewall).

14. Penetrations
1) Building work in connection with the making of a penetration not exceeding 300 millimetres in
diameter to enable the passage of pipes, cables, ducts, wires, hoses, and the like through any
existing dwelling or outbuilding and any associated building work, such as weatherproofing,
fireproofing, or sealing, provided that—
   a) in the case of a dwelling, the dwelling is detached or in a building that is not more than 3
storeys; and
   b) in the case of an outbuilding, the outbuilding is detached and is not more than 3 storeys.
2) In the case of an existing building to which subclause (1) does not apply, building work in
connection with the making of a penetration not exceeding 300 millimetres in diameter to enable
the passage of pipes, cables, ducts, wires, hoses, and the like through the building and any
associated building work, such as weatherproofing, fireproofing, or sealing, provided that the
penetration—
   a) does not modify or affect the primary structure of the building; and
   b) does not modify or affect any specified system.

15. Closing in existing veranda or patio
Building work in connection with the closing in of an existing veranda, patio, or the like so as to provide
an enclosed porch, conservatory, or the like with a floor area not exceeding 5 square metres.

16. Awnings
Building work in connection with an awning that—
   a) is on or attached to an existing building; and
   b) is on the ground or first-storey level of the building; and
   c) does not exceed 20 square metres in size; and
   d) does not overhang any area accessible by the public, including private areas with limited
   public access, for example, restaurants and bars.

17. Porches and verandas
Building work in connection with a porch or a veranda that—
   a) is on or attached to an existing building; and
   b) is on the ground or first-storey level of the building; and
   c) does not exceed 20 square metres in floor area; and
   d) does not overhang any area accessible by the public, including private areas with limited
   public access, for example, restaurants and bars.

18. Carports
Building work in connection with a carport that—
   a) is on or attached to an existing building; and
   b) is on the ground level of the building; and
   c) does not exceed 20 square metres in floor area.
19. Shade sails
Building work in connection with a shade sail made of fabric or other similar lightweight material, and
associated structural support, that— does not exceed 50 square metres in size; and
   a) is no closer than 1 metre to any legal boundary; and
   b) is on the ground level, or, if on a building, on the ground or first-storey level of the
      building.

**OTHER STRUCTURES**

20. Retaining walls
Building work in connection with a retaining wall that—
   a) retains not more than 1.5 metres depth of ground; and
   b) does not support any surcharge or any load additional to the load of that ground (for
      example, the load of vehicles).

21. Fences and hoardings
1) Building work in connection with a fence or hoarding in each case not exceeding 2.5 metres in
   height above the supporting ground.
2) Subclause (1) does not include a fence as defined in section 2 of the Fencing of Swimming Pools

22. Dams (excluding large dams)
Building work in connection with a dam that is not a large dam.

23. Tanks and pools (excluding swimming pools)
Building work in connection with a tank or pool and any structure in support of the tank or pool (except a
swimming pool as defined in section 2 of the Fencing of Swimming Pools Act 1987), including any tank or
pool that is part of any other building for which a building consent is required, that—
   a) does not exceed 500 litres capacity and is supported not more than 4 metres above the
      supporting ground; or
   b) does not exceed 1 000 litres capacity and is supported not more than 3 metres above the
      supporting ground; or
   c) does not exceed 2 000 litres capacity and is supported not more than 2 metres above the
      supporting ground; or
   d) does not exceed 4 000 litres capacity and is supported not more than 1 metre above the
      supporting ground; or
   e) does not exceed 8 000 litres capacity and is supported not more than 0.5 metres above
      the supporting ground; or
   f) does not exceed 16 000 litres capacity and is supported not more than 0.25 metres above
      the supporting ground; or
   g) does not exceed 35 000 litres capacity and is supported directly by ground.

24. Decks, platforms, bridges, boardwalks, etc
Building work in connection with a deck, platform, bridge, boardwalk, or the like from which it is not
possible to fall more than 1.5 metres even if it collapses.

25. Signs
Building work in connection with a sign (whether free-standing or attached to a structure) and any
structural support of the sign if—
   a) no face of the sign exceeds 6 square metres in surface area; and
   b) the top of the sign does not exceed 3 metres in height above the supporting ground level.

26. Height-restriction gantries
Building work in connection with a height-restriction gantry.

27. Temporary storage stacks
Building work in connection with a temporary storage stack of goods or materials.
28. Private household playground equipment
   Building work in connection with playground equipment if—
   a) the equipment is for use by a single private household; and
   b) no part of the equipment exceeds 3 metres in height above the supporting ground level.

NETWORK UTILITY OPERATORS OR OTHER SIMILAR ORGANISATIONS

29. Certain structures owned or controlled by network utility operators or other similar organisations
   Building work in connection with a motorway sign, stopbank, culvert for carrying water under or in association with a road, or other similar structure that is—
   a) a simple structure; and
   b) owned or controlled by a network utility operator or other similar organisation.

DEMOLITION

30. Demolition of detached building
   The complete demolition of a building that is detached and is not more than 3 storeys.

31. Removal of building element
   The removal of a building element from a building that is not more than 3 storeys, provided that the removal does not affect—
   a) the primary structure of the building; or
   b) any specified system; or
   c) any fire separation

Part 2
Sanitary plumbing and drainlaying carried out by person authorised under Plumbers, Gasfitters, and Drainlayers Act 2006

PLUMBING AND DRAINAGE

32. Repair, maintenance, and replacement
   1) The repair and maintenance of any sanitary plumbing and drainage in or associated with a building, provided that comparable materials are used.
   2) Replacement of sanitary plumbing and drainage in or associated with a building, provided that—
      a) a comparable component or assembly is used; and
      b) the replacement is in the same position.
   3) However, subclauses (1) and (2) do not include the following building work:
      a) complete or substantial replacement of a specified system; or
      b) repair or replacement (other than maintenance) of any component or assembly that has failed to satisfy the provisions of the building code for durability, for example, through a failure to comply with the external moisture requirements of the building code; or
      c) repair or replacement of any water heater (unless permitted under clauses 36 to 38).

33. Drainage access points
   The opening and reinstatement of any purpose-made access point within a drainage system that is not a NUO system or part of a NUO system.

34. Minor alteration to drains
   1) Alteration to drains for a dwelling if the alteration is of a minor nature, for example, shifting a gully trap.
   2) Subclause (1) does not include making any new connection to a service provided by a network utility operator.
35. Alteration to existing sanitary plumbing (excluding water heaters)
   1) Alteration to existing sanitary plumbing in a building, provided that—
      a) the total number of sanitary fixtures in the building is not increased by the alteration; and
      b) the alteration does not modify or affect any specified system.
   2) Subclause (1) does not include an alteration to a water heater.

WATER HEATERS

36. Repair and maintenance of existing water heater
   The repair or maintenance of any existing water heater using comparable materials, comparable
   components, or a comparable assembly.

37. Replacement of open-vented water storage heater connected to supplementary heat
    exchanger
   The replacement of any water-storage heater connected to a solid-fuel heater or other supplementary
   heat exchanger if the replacement—
   a) is a comparable open-vented water storage heater; and
   b) is fixed in the same position, and uses the same pipework, as the replaced water storage
      heater.

38. Replacement or repositioning of water heater that is connected to, or incorporates,
    controlled heat source
   The replacement of any water heater (including the repositioning of an existing water heater) if the
   replacement water heater is connected to, or incorporates, a controlled heat source or, if connected to or
   incorporating more than 1 heat source, 2 or more heat sources all of which are controlled.

Part 3
Building work for which design is carried out or reviewed by chartered
professional engineer

39. Signs
   Building work in connection with any sign, (whether freestanding or attached to a structure) and any
   structural support of the sign.

40. Plinths
   Building work in connection with any plinth, or similar foundation if the plinth or foundation supports
   plant, a tank, equipment, machinery, or any similar item.

41. Retaining walls
   1) Building work in connection with a retaining wall in a rural zone, if—
      a) the wall retains not more than 3 metres depth of ground; and
      b) the distance between the wall and any legal boundary or existing building is at least the
         height of the wall.
   2) In subclause (1), rural zone means any zone or area (other than a rural residential area) that,
      in the district plan of the territorial authority in whose district the building work is to be
      undertaken, is described as a rural zone, rural resource area, or rural environment, or by words
      of similar meaning.

42. Certain public playground equipment
   Building work in connection with playground equipment, if the work is for a government department,
   Crown entity, licensed early childhood centre, territorial or regional authority, or other similar public
   organisation.

43. Removal of sign, plinth, retaining wall, or public playground equipment
   The removal of any of the structures referred to in clauses 39 to 42, whether or not the design of the
   structure has been carried out or reviewed by a chartered professional engineer.
Appendix 2

List of Publications Available for Specific Topics

1. **Our Publications**
   2. Application to amend building consent.
   3. Project Information Memorandum.
   4. Septic Tank Requirements.
   5. Smoke Alarms – Message from the Mayor.
   6. Smoke Alarms.
   7. Safe Drinking Water.
   8. Monolithic Claddings.
   10. Fees and Charges Schedule.

2. **Ministry of Business, Innovation & Employment (MBIE) Building & Housing Information**
   2. The Building Act and You.
   3. Information for designers, builders and specialist trades.
   4. Information for homeowners and renovators.
   5. Information for building owners and managers.
   7. Sales by Residential Property Developers.
   9. Your guide to a smarter home.

3. **Other Publications**
   - Protecting Archaeological Sites – NZ Historic Places Trust.
   - Operative On-Site Effluent Treatment Regional Plan – Environment BOP.
   - The story of your septic tank system – NZWWA & Ministry for the Environment.
   - Dealing with your wastewater – Environment BOP.

4. **Links**
   - [www.westernbay.govt.nz](http://www.westernbay.govt.nz)
   - [www.mbie.govt.nz](http://www.mbie.govt.nz)
   - [www.consumerbuild.org.nz](http://www.consumerbuild.org.nz)
Appendix 3

Schedule 1 - Specified systems

1. Automatic systems for fire suppression (for example, sprinkler systems).
2. Automatic or manual emergency warning systems for fire or other dangers (other than a warning system for fire that is entirely within a household unit and serves only that unit).
3. Electromagnetic or automatic doors or windows (for example, ones that close on fire alarm activation).
4. Emergency lighting systems.
5. Escape route pressurisation systems.
6. Riser mains for use by fire services.
7. Automatic back-flow preventers connected to a potable water supply.
8. Lifts, escalators, travelators, or other systems for moving people or goods within buildings.
9. Mechanical ventilation or air conditioning systems. Building maintenance units providing access to exterior and interior walls of buildings.
10. Building maintenance units providing access to exterior and interior walls of buildings.
11. Laboratory fume cupboards.
12. Audio loops or other assistive listening systems.
13. Smoke control systems.
14. Emergency power systems for, or signs relating to, a system or feature specified in any of clauses 1 to 13.
15. Any or all of the following systems and features, so long as they form part of a building's means of escape from fire, and so long as those means also contain any or all of the systems or features specified in clauses 1 to 6, 9, and 13:
   a) systems for communicating spoken information intended to facilitate evacuation; and
   b) final exits (as defined by clause A2 of the building code); and
   c) fire separations (as so defined); and
   d) signs for communicating information intended to facilitate evacuation; and
   e) smoke separations (as so defined).

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