

DESTINATION



ROT@RUA

***BUILDING CONSENT
AUTHORITY***

***THE BUILDING CONSENT
PROCESS***

“Useful Public Information about Building”

The building act:

The Building Act 2004 provides for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards, to ensure that:

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

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

Who administers the building act?

The Department of Building and Housing is the government department responsible for administering the Building Act 2004.

What is a building consent authority?

Building consent authorities are regional or territorial authorities or private organisations registered under section 273 of the Building Act 2004, and are responsible for performing building control functions under Part 2 of the Act.

What is a project information memorandum?

A project information memorandum (PIM) is a memorandum issued by the territorial authority (Council) under section 34 of the Act & sets out information relevant to your building work.

The information is provided on a prescribed form and is required to include all such information known to council which may be relevant to the project or site. This includes potential for:

- erosion
- avulsion (removal of land by water action)
- falling debris
- subsidence
- slippage
- alluvium (the deposit of silt from flooding)
- The presence of hazardous contaminants which are likely to be relevant to the design, construction or alteration of your proposed

building which are known to Council.

Details of stormwater or wastewater utility systems which may relate to your project or site will also be included (where applicable).

A project information memorandum also identifies any additional approvals required such as:

- Resource Management Act
- New Zealand Historic Places Trust (heritage buildings / sites)
- New Zealand Fire Service Commission

The memorandum also includes:

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

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

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

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

Do I need a project information memorandum?

No, applying for a project information memorandum is voluntary but recommended for projects that involve a change of use or alterations to the exterior of the building. This can be applied for separately or in conjunction with your building consent.

How to apply for a PIM

An application for a PIM must be made on the PIM/ BC application form which is available from our council office or our website. This form must be completed in full, signed & dated before being submitted.

Documentation required

All applications must be accompanied by 2 copies of;

- The site plan,
- floor plan,
- building elevations &
- Proposed drainage plans.

How long does it take?

Council is required to issue the PIM within twenty (20) working days (10 for national multi use consent) of application being received, however, depending on workloads, this may be earlier.

NB: Providing all fees are paid, the PIM will be posted to the applicant when it is issued. If the PIM is applied for with the Building Consent the

timeframe for the issue of both is 20 working days or 10 days for a national multi use consent.

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

The Council has 10 working days from when this information is received to issue the PIM. (10 working days in total for national multi use consent)

What happens if I do not apply for a project information memorandum?

The majority of building consent applications involving a change of use or alterations to the exterior of the building requires input from other departments in Council so these applications are subjected to a Territorial Authority Review (TAR). Council charges a fee for this review that is the equivalent to a PIM. You will be notified through the TAR process if resource consent is required but will not receive any other information; however, input from other Council departments will be used in making decisions relating to the building consent application.

What is a building consent?

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

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

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

When is a building consent required?

A building consent is required for most work including:

- Swimming pools, spa pools and fencing
- Retaining walls over 1.5m (no surcharge) or 3m in rural zone (conditions apply)
- Retaining walls any height incurring a surcharge except for those noted above in rural zone
- Decks over 1.5m high
- Free-standing non-habitable buildings larger than 10m² & less than its height from the boundary or a dwelling

- Plumbing and drainage work not covered by the 1st schedule
- Some Demolition-see 1st schedule
- relocation
- Additions, alterations to existing buildings-see 1st schedule
- New buildings
- Change of use can trigger a building consent
- Heating including fireplaces, ventilation and air-conditioning systems
- Small dams (more than 35,000 litres of water) Regional Council responsibility (Environment Waikato)
- Stand alone installation, alteration or removal of a specified system

For guidance or further information please call 07 348 4199 or visit our web site www.rdc.govt.nz

How long does it take to get a building consent?

Building consent processing time depends on the complexity of your project and whether or not you have provided us with sufficient information.

All building consents are required to be approved within 20 working days (10 working days for national multi use consent). This time starts from the time that the lodgement fee is received. If information is deficient the time clock is stopped & a formal request will be made for further information. The time clock is not

restarted until all the requested information is received.

It is possible that your building consent application requires checking by several disciplines; it is possible therefore, that the clock maybe stopped on more than one occasion.

How do I apply for a building consent?

You will need to complete an application and provide information that is relevant to your building project.

Information is contained within an application pack which can be obtained from:

- our website, or
- Council's office at 1061 Haupapa Street, Rotorua or

Alternatively call us and we will post you one out.

Once you have gathered all the necessary information you can either post in the application or bring it in personally to our office. We recommend you book a time to lodge your building consent if you are applying in person (call 348 4199 to book an appointment). This will avoid unnecessary delays.

On receiving your application our vetting officer will check your application to ensure all relevant information has been provided.

If your application is declined, it will be returned & you will be advised of the information deficiencies.

Please note: this is not a technical assessment but merely a check to ensure all necessary information required to enable us to process your application in a timely manner has been provided.

If all information has been provided you will be required to pay a lodgement fee (this may not be the total cost).

How long is my building consent valid for?

Building work must have commenced within the 12 months of issuing of the building consent. If work has not commenced then the building consent shall lapse requiring a new application.

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

What sort of information do I need?

Building consent applications can be complex; we recommend that you engage a professional person to help with design work and drawings.

The information required with your application is listed within the Building Consent Application Form 2. This form is available on our web site.

This form is required to be completed in its entirety. This will require a level of technical knowledge of the building code so we recommend that you retain your building professional to assist you with the completion of this document.

Council will not accept substandard documentation.

Specific design elements for any structure other than domestic residential type may require peer review undertaken by a peer deemed acceptable to council before being submitted for building consent. If you intend to incorporate aspects of specific design within your project please contact us prior to engaging the engineer to confirm their acceptability.

Council reserves the right to accept or refuse Producer Statements as a means of demonstrating compliance with the provisions of the NZ Building Code. These will be accepted solely at the discretion of the BCA.

Likewise industry recognised proprietary elements / buildings / systems such as: garage / carport systems, beams, trusses, brace systems, farm building systems, will be accepted at the discretion of the BCA.

Any application involving an alteration or change of use to a commercial or industrial building will be required to be accompanied by a fire safety analysis & an accessibility assessment.

Each application will be expected to include (but not limited to):

- 2 sets of plans
- 2 sets of specifications
- 2 sets of engineering calculations (if applicable)
- 2 sets of wall bracing calculations (if applicable)
- 2 copies of an E2 risk matrix (demonstrating weathertightness features)
- Fees
- Two copies of the truss layout & design certification
- A list of all specified systems being installed complete with performance standards, maintenance and performance requirements

Producer Statements:

A Producer Statement requires the following as a minimum requirement to be accepted by the Rotorua District Council:

- A written statement
- Header with 'Producer Statement'
- Who is issuing the Producer Statement (suitably qualified and author of Producer Statement)
- The Producer Statement must be addressed for the

attention of the Rotorua District Council

- Who has completed or designed the work identified (qualifications to undertake the work required)
- The product name and specifications for application of product used (where applicable)
- What parts/clauses of the Building Code the work relates to
- Full legal description of the site where the work will be undertaken
- Clearly identifying what part of the building consent work is covered by the Producer Statement
- Provide the sum of Provisional Indemnity Insurance held
- The author's name and signature
 - Qualifications
 - Address
 - Registration Number
 - Membership of Professional Organisation
- Date the Producer Statement was produced.

How much will it cost?

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

- Levies payable to the Department of Building and Housing (payable on all applications over \$20,000)

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- Time spent processing the application
- Number of Inspections required (type and number vary depending on application)
- Issue of code compliance certificate
- Issue of compliance schedule (if applicable)
- Development contribution (if applicable)
- Vehicle crossing
- Street damage deposits (refundable on completion)
- Water meter connection (if applicable)

An estimate of the fees involved may be provided, however the final cost will not be known until the application is processed. A cancellation fee may apply if you withdraw your application.

How is my application processed?

All applications regardless of how they are received are put through a formal vetting process.

The vetting process is not a technical check it is merely a check to see if all information has been provided. Your application maybe rejected at this time if insufficient information has been provided.

Once the application has been vetted for completeness it is then receipted and entered into the processing

system & is allocated a unique identifier (this is your building consent number).

At this point the 20 working day processing time clock is started. We endeavour to start the time clock within 24 hours of receipt of the application.

The application is then allocated & circulated to the various disciplines within the building consent authority for processing, i.e. planning, engineering, building, water, drainage, etc.

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

When a request for further information is sent the 10 or 20 working day time clock is stopped & processing is suspended until all requested information is provided.

Once all disciplines involved in the process are satisfied that compliance is achieved, then a final check is made to ensure all work has been assessed correctly before the building consent is granted or refused.

Once this approval or refusal is given an invoice is generated for the balance of the fees payable

(inspections, code compliance certificate, etc).

Upon payment of these fees, the consent will be issued (or refused).

How will I be notified?

When processing is completed you will receive an invoice for any outstanding fees

When all fees are paid your building consent can be collected or posted to the contact person nominated on the application form.

If your application has been refused then you will receive a letter advising you why your application has been refused.

What are building consent conditions?

There may be conditions imposed on your building consent which are deemed necessary to ensure compliance.

Sometimes conditions may be imposed requiring specialist inspections to be undertaken i.e. structural engineer.

It is important that you read and understand all conditions of consent before commencing work. If you do not understand any condition imposed, please contact us to discuss these.

What inspections do I need?

When your application is being processed we will assess your project to determine what key inspections will be necessary to enable us to be satisfied on reasonable grounds that compliance with the approved building consent documents will be achieved.

Each inspection will be identified along with the requirements for that particular inspection. A list of inspections will be attached to your building consent.

Inspections by Others

Sometimes it is necessary for you to retain specialists to conduct inspections in addition to the inspections carried out by the building consent authority.

If a specialist inspection is necessary you will generally be advised before the consent is issued.

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

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

How do I book an inspection?

Building inspections are booked by phone through the building services team (do not contact the building inspector directly) Ph. 07 349 5646.

Inspections are undertaken Monday – Friday 8.00 am to 4.00pm (excluding public holidays).

When booking an inspection you will be required to provide us with the applicant's name, site address, building consent number & type of inspection required.

NB: It is your (or your builders) responsibility to notify Council at a minimum, 24 hours before you require an inspection.

How do I know if the inspection has been passed?

For an inspection to take place, the owner or their representative with the approved plans & documentation must be available on site. The building officer will be inspecting the building work against these approved documents.

N.B: If we arrive on site & the documentation is not available we will not undertake the inspection. We will however; bill you for our time.

On the conclusion of each inspection the outcome is recorded on a site inspection card (pass / fail). This is

provided for your record & is required to be retained on site with the building consent documentation for the duration of the project.

What if the inspection has not been approved?

If an inspection is failed the work to be rectified will be recorded on a site instruction sheet a copy of which will be left on site with the owner or their representative. An inspection of the remedial work will be required.

All re-inspections will be charged at the current hourly rate.

If the work is not remedied to the satisfaction of the building officer a notice to fix is likely to be issued.

What is a notice to fix?

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

If a notice to fix is issued, you are required to address the issues identified within a prescribed timeframe to prevent further action being taken.

Enforcement of notices to fix is undertaken by the Territorial Authority.

Changes to the project once underway.

Should it become necessary to change the design part way through the project a formal application to amend the building consent will be necessary and this will follow the same process as a building consent application. Minor changes such as repositioning a door, bracing element or substituting a material for a similar product (e.g. interior linings) is a minor variation and can be discussed with and approved by the building officer on site. Out comes will be recorded on the building consent file and you may be required to provide an as built plan.

Do I need a final inspection?

Yes, all building consents require a final inspection.

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

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

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

What is a code compliance certificate?

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

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

Council has 20 days from receiving an application for code compliance certificate (Form 6) to decide whether to issue or to refuse to issue a code compliance certificate. Form 6 is available on our website.

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

Providing council is satisfied that the building work complies with the building code & the provisions of the Building Act, then a code compliance certificate may be able to be issued.

If council is not satisfied that Act provisions are satisfied or is not satisfied that reasonable ground exist to enable the issue of a code compliance certificate, then issue may be refused.

Should council refuse to issue a code compliance certificate & you consider that this is not justified then you may wish to approach the Department of Building & Housing (DBH) & obtain a determination.

What is a determination?

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

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

Applying for a determination

To apply for a determination you will need to fill in Form D1 & Part 1 of Form D2 which are available on the DBH website (www.dbh.govt.nz), and post this to DBH with your supporting documents.

How long it takes to get the determination

The Department is required to issue the final determination within 60 working days of receiving the

application, or longer if agreed to by the parties.

The 60-day period does not include time delay while waiting for information or comment from other parties - the 'clock is stopped' during these times. If you can't provide the information by the date given, you may request an extension. The Department has the power to make the determination if the information requested is not provided in reasonable time.

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

If you have been sent a notice to fix about work that is unsafe, you must comply with this notice. Otherwise, council can't require you to carry out building work related to the determination unless the Department agrees this is necessary.

Sales by residential property developers - section 364

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

It is an offence for a residential property developer to complete the sale, or allow a purchaser to take possession of a household unit before

a code compliance certificate has been issued.

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

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

What is the reason for this?

People buying a residential property from a developer have a right to expect it to be completed and to comply with the Building Code. The onus for making sure a building complies with the Building Code is on the developer as they have the control of the building process.

What is meant by a 'household unit'?

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

What does 'complete the sale' mean?

'Complete the sale' means accepting final payment and transferring the

title. You can accept progress payments for the job.

How is 'residential property developer' defined?

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

Can you contract out of this requirement?

The developer and purchaser may contract out of this provision but only on a form prescribed under the Building (Forms) Regulations 2004. This form (Form 1) makes the consequences of buying a property without a CCC clear to consumers. It also advises consumers to obtain independent legal advice before signing. Copies of Form 1 are available from council or our website. Alternatively you can try the DHH website www.dbh.govt.nz.

Commercial and industrial properties

Section 363 public premises

If your building is open to the public, whether for free or payment of a

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

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

What are public premises?

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

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

What is a compliance schedule?

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

- automatic systems for fire suppression

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

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

A compliance schedule lists the systems and features, including the inspection, maintenance and reporting procedures needed to keep them in good working order. A compliance schedule must be kept on site and made available to building officers,

Independent Qualified Persons (IQP's), Licensed Building Practitioners (LBP) and authorised agents.

What is a compliance schedule statement?

A compliance schedule statement is issued by the building consent authority and serves as temporary notification of compliance schedule requirements. It will list the inspection, maintenance and reporting procedures necessary to keep the specified systems in good working order. It is issued at the same time as the code compliance certificate. It must be replaced in 12 months with a building warrant of fitness, which is issued by the building owner.

How do I obtain a compliance schedule?

A compliance schedule must be applied for at the same time a building consent application is made and will be issued with a code compliance certificate by the building consent authority for:

- new buildings (if the building has one or more specified systems), or
- An upgrade to an existing building or systems, required as a result of a change of use or alterations, which may also require a building consent.

What information do I need if I am applying for a compliance schedule?

Your designer should provide you with information relating to the performance standards for each specified system contained within the building. These performance standards will identify the inspection, maintenance and reporting procedures required for each system.

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

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

What is a building warrant of fitness? (BWOFF)

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

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

schedule, have been fully complied with during the previous 12 months.

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

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

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

You are required to keep all reports together with the compliance schedule for a period of 2 years.

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

An Independent Qualified Persons (IQP) or Licensed Building Practitioner (LBP) is a person who is qualified to carry out any performance inspection, maintenance, reporting or recommendation on a specified system.

All Independent Qualified Persons (IQP) are required to be registered with Council.

The Licensed Building Practitioner programme will begin in March 2012. Approval and registration of Licensed Building Practitioner's will be maintained by the Department of Building and Housing. A register will be maintained in accordance with the Act to help the public

- determine if a person is qualified
- choose an appropriate LBP, and
- Identify which LBP's have been disciplined within the last 3 years.

Complaints

A customer has a right to appeal or to complain about any building control function the building consent authority undertakes; and have this heard & be properly managed.

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

You can make a complaint in person; however it must be accompanied in writing. Complaints not made in writing or made anonymously will not be actioned. All complainants will be responded to in timely manner.

Complaints or Appeals should be addressed to:

Manager Building Services
Rotorua District Council
Private Bag 3029
Rotorua



Building Services
Rotorua District Council
1061 Haupapa Street
Private Bag 3029
Rotorua Mail Centre
Ph: 07 348 4199