



Clutha District Council

# Building Consent Application Guide



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## **1.0 BUILDING LEGISLATION**

### **1.1 The Building Act**

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

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

To achieve this purpose, the Act requires anyone proposing to do certain building work to obtain a building consent from a Building Consent Authority (BCA) before commencing building work, with the option of obtaining a Project Information Memorandum (PIM).

The Ministry of Business, Innovation and Employment (MBIE) provide a guide for when a building consent is not required. This can be viewed at their website [www.building.govt.nz](http://www.building.govt.nz)

### **1.2 What is a Building Consent?**

A building consent is the formal approval issued by a building consent authority stating that certain works, if properly constructed in accordance with the plans and specifications will comply with the requirements of the New Zealand Building Act, Building Regulations and the Building Code. You cannot undertake any building work which requires a building consent without this approval. Most building work requires a building consent, but some minor work is exempt under Schedule 1 of the Act.

### **1.3 When is a Building Consent required?**

A building consent is required before you undertake any building work, such as additions alterations or constructing new buildings, and pool barriers, unless exempt. The Ministry of Business, Innovation and Employment (MBIE) has a guidance publication on exempt building work; [Building work that does not require a building consent](#) available on their website.

### **1.4 Building on land subject to natural hazards:**

Where council identifies that the land on which the work is proposed is subject to natural hazards, Council will consider if the work is major or minor and what affect the work will have on the hazard. Depending on the circumstances the consent could be refused, granted subject to a condition that a natural hazard notification is placed on the title (This will incur additional fee's) or no additional action could be necessary.

Council will discuss with you the refusal or notification process if this relates to your consent.

## 1.5 What is Restricted Building Work and who are Licensed Building Practitioners?

Restricted Building Work (RBW) is work that is critical to the integrity of a building. In particular, it ensures the building is structurally sound and weathertight. This work must be designed, completed by or supervised by, a licensed building practitioner (LBP). Building Practitioners are licensed by the Ministry of Business innovation and Employment.

This Restricted Building Work applies to, but is not limited to:

- Foundations;
- Framing;
- Roofing;
- Cladding; and/or
- Active fire safety systems in small-medium sized apartment buildings (design only)

Licensed Building Practitioners (LBPs) include, but are not limited to:

- Designers;
- Carpenters;
- Roofers;
- External Plasterers;
- Bricklayers and Block layers.

Registered architects, chartered professional engineers and plumbers are deemed to be LBPs.

It is the owner's responsibility to check that the tradespeople doing and or supervising the work are licensed building practitioners.

Tradespeople who complete the RBW work will need to provide a [Record of Work](#) (ROW), once the work has been completed.

An exemption is available to owner-builders (do-it-yourselfers) allowing them to carry out Restricted Building Work (RBW) on their own home and build their own home. There are certain criteria for this and details can be found at [MBIE's website](#). Building consent applications are not accepted unless they include a [Memorandum from a Licensed Building Practitioner](#) (LBP) certifying that the design work complies with the Building Code.

Further information can be found at <https://www.lbp.govt.nz/>

## 1.6 What is a Building Consent Authority (BCA)?

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.

## 1.7 What is a Project Information Memorandum (PIM)?

A project information memorandum (PIM) is a memorandum issued by the Territorial authority (Council) under sections 32 - 35 of the Building Act 2004 which sets out information relevant to your building work.

This is information on special land features, including potential:

- 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 known to Council which are likely to be relevant to the design, construction or alteration of your proposed building;
- details of stormwater or wastewater utility systems which relate to your proposed building work, or are adjacent to your building site.

A PIM also identifies any additional approvals required such as:

- Resource Management Act;
- Heritage New Zealand (heritage buildings/sites);
- Fire and Emergency New Zealand

### 1.7.1 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.

Copies of other information that may have some design impact on your proposed building work like:

- Drainage plans;
- Water supply plans;
- Other utility plans; and/or
- Any other information that Council holds that is relevant to your project.

**Important:** A PIM does not give any form of approval under the District Plan or Building Act. Contact the Clutha District Council planning department, or your own planning adviser 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.

### 1.7.2 Must I apply for a PIM?

No, PIMs are voluntary. They may be applied for separately or in combination with your building consent.

### **1.7.3 How to apply for a PIM**

An application for a PIM must be made on the [Project Information Memorandum/Building Consent](#) application form, available from our website or at our Council Office or Service Centres.

This form must be completed in full, and signed and dated before being submitted.

### **1.7.4 Documentation required**

All applications must be accompanied by three copies of:

- a site plan;
- floor plan;
- building elevations;
- site access; and
- drainage plan.

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

Council is required to issue the PIM in 20 working days of the application being received. In most cases the BCA gathers PIM information in order to process your building consent.

**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 issue of both is 20 working days.

## **1.8 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 all site specific information. Most building consents will be approved within 20 working days. However, if information is found to be lacking, the time clock is suspended and not restarted until all the requested information is provided.

## **1.9 Who is responsible for applying for a building consent?**

Ultimately the responsibility for obtaining a building consent is that of the owner of the property. However an owner may appoint another person to act on their behalf. On the application form this other person will be listed as the Agent.

## **1.10 How do I apply for a Building Consent?**

You need to complete a [Form 2 application form](#), and provide information relevant to your building project. We have a range of vetting checklists available that outline the information that must be included with most types of applications. These are available from our website or at our Council Office or Service Centres.

## **1.11 How do I lodge an application?**

Once you have gathered all the necessary information, you can either post the application or deliver it in person to our office in Balclutha. It is recommended that you lodge your application in person.



If you are lodging a commercial building consent it is recommended you contact our office on (03) 211 1777 or at [help.desk@cluthadc.govt.nz](mailto:help.desk@cluthadc.govt.nz) to arrange an appointment with a Vetting Officer to go through your application.

Fees are payable at the time the consent is lodged. A fee schedule can be accessed at [www.cluthadc.govt.nz](http://www.cluthadc.govt.nz)

It is important to ensure that the designer provides site and project specific documentation that clearly show Building Code compliance. Incomplete and poor quality applications will not be accepted.

## **2.0 CONSENT PROCESSING**

### **2.1 How is my application processed?**

All applications, regardless of how they are received, are checked to confirm that all information has been provided. This is not a technical check. Your application may not be accepted at this time, if insufficient information has been provided or fees not paid.

Once accepted, the application is entered into the Council system. Once fees are paid the statutory 20 working day time clock will commence. The application is then allocated to the various required disciplines within the Council for processing, i.e. planning, engineering, building, water, drainage, etc. Each discipline will review your application and assess it for compliance against the requirements of the Building Code as prescribed in the Building Act. If there are any questions or concerns, you will be requested to supply further information/clarification. The 20 working day time clock is suspended until this information is provided in full.

Requests for additional information will generally be sent to the person responsible for the consent. When supplying plans, in response to an RFI, always draw a revision cloud around the area of the drawings that have changed - to allow clear identification of those changes.

**Please note:** Emailed information should be addressed to [help.desk@cluthadc.govt.nz](mailto:help.desk@cluthadc.govt.nz) When emailing information please keep the email below 10MB each and ring to confirm it has been received. Emailed information will be printed by the CDC, and this printing will be charged to the applicant at the rate in the current fees and charges schedule.

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

Upon payment of any outstanding building consent fees, the consent will be issued.

The granting of the consent shows that the Building Consent Authority (BCA) is satisfied on reasonable grounds that if the project is constructed in accordance with the approved plans the project will comply with the Building Act, Building Code and Regulations.



## 2.2 How will I be notified of the approval?

Once your consent has been granted and all fees paid, we will issue the stamped approved documents, to the person nominated on the application form. The approved documentation is able to be uplifted from the Building Services desk, or posted out if required.

If your application has been refused, a letter will be sent advising you the reasons.

Building work cannot start until the building consent has been issued.

## 2.3 External Parties

Some projects may need reviewing by the engineering unit of Fire and Emergency New Zealand (FENZ). They have 10 days to provide feedback. Your fire designer should notify you of this, if needed, and this should be clearly identified in the consent documentation.

In some cases the BCA may send applications externally for review, in particular for Fire, Onsite Waste Water or engineering peer review. When busy, the BCA may also send consents to external contractors to process your consent.

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

The Building Act provides that if work to which the consent relates hasn't started within 12 months from the date of the issue of the consent, the consent will lapse and be of no effect. This means that you will need to apply for a new consent if you wish to start that work.

The BCA will try to contact you to remind you of this.

If the project has been delayed, you may apply for an extension to this time.

If a CCC application has not been made by the 2 year anniversary of the grant of the building consent, the BCA is required to make a decision on whether or not to issue a CCC.

## 3.0 WHAT INFORMATION DO I NEED TO SUPPLY?

Building consent applications can be complex. We recommend that you engage a professional person to help with the design work and drawings. Each application must be accompanied by the information requirements identified in the vetting checklists which includes: -

### 3.1 Information to support each application

- 1 **Certificate of Title** – 1 copy - no older than 3 months old.
- 2 **Plans** (two complete sets plus the additional set for valuation as detailed in 2.7)
  - 2.1 **Site Plan** - Scale 1:200 (recommended scale). The site plan must show the proposed building work in relation to the property boundaries, existing buildings, drainage and water supply systems, spot levels and datum.
  - 2.2 **Floor Plan** - Scale 1:100 (recommended scale). To be fully dimensional, including wall and partition sizes, designation of rooms, doors and window

openings, sanitary fittings, fixed units, appliances such as wood-burners, cooking and heating units.

- 2.3 **Cross Section** - Scale 1:50 (recommended scale). To show full details of construction of foundations, reinforcing, floor structure, wall and roof structure, insulation and height above ground level.
  - 2.4 **Elevations** - Scale 1:100 (recommended scale). Four elevations of the proposed building are required to show all doors, windows, roof heights and external materials and finishes.
  - 2.5 **Drainage Plan** - Scale 1:200 (recommended scale). To show means and location of sewage and stormwater disposal systems and any existing drains on site. Water supply details must be shown. (Only a certifying plumber/craftsman drain layer or licensed person working under their supervision can carry out plumbing/drainage works.)
  - 2.6 **Details** – Scale 1:5 (recommended scale). These are generally structural and weathertightness details to show how the critical elements of the building work are to be constructed.
  - 2.7 **Additional plans for Valuation purposes.** – An additional set of plans comprising Site Plan, Floor Plan and elevations is required for our valuation department. These can be A3 sized even if the main sets of plans are a larger paper size.
- 3 **Specifications** (2 complete sets) - Specifications must be relevant to the particular building and to the plans submitted. They must give a full description of the type, size and grade of materials to be used, and the method of construction, including other trade section.
  - 4 **Engineering calculations/fire report** (if applicable) – (two complete sets)
  - 5 **Alterations to existing buildings** - Under section 112 of the Building Act, a BCA must not grant a building consent to alter all or part of an existing building unless it is satisfied that, after the alteration, the building will (among other things) comply as nearly as is reasonably practicable (ANARP) with the Building Code provisions relating to means of escape from fire and access and facilities for persons with disabilities. Section 112 of the Building Act also gives Territorial Authorities (TA) some powers to allow alterations to existing buildings. (if you intend to change the use of the building different provisions apply)  
  
To determine whether an existing building will comply ANARP with Building Code requirements for means of escape from fire and access and facilities for persons with disabilities after the proposed building work has been carried out Council will need information on the building's current level of compliance. This information should be supplied with the consent application, on a Section 112 - Gap Analysis Sheet
  - 6 **Wall bracing layout** (if applicable) - (2 Sets)
  - 6 **Roof truss** (if applicable) – (2 Sets) Manufacturer's Truss Design and Producer Statement
  - 7 **E2 risk matrix** (demonstrating weathertightness features)- (2 Sets).
  - 8 **H1 analysis** (demonstrating insulation requirements) (2 Sets)
  - 9 **Fee.** Calculation sheet and means of payment

- 10 **Information related to specified systems and the compliance schedule** (for explanation on Compliance schedules see 5.2)

## **3.2 Other supporting Documentation**

### **3.2.1 Producer Statements**

#### **Producer Statements from Engineers**

Producer statements are typically used for specialist work, such as engineering, or where there is a proprietary product which is installed by appointed contractors. Aspects of this work will be outside the council's in-house expertise and a producer statement can assist the council when they are determining whether the building work complies with the Building Code. Councils will use their judgement when considering producer statements and how much weight to give them.

Here are some examples of work where a producer statement might be submitted:

- An engineer may provide a statement relating to foundations.
- A mechanical engineer may provide a statement relating to heating ventilation and air-conditioning systems.
- A tiler may provide a statement that the waterproofing membrane has been correctly applied.

At the time of submitting the building consent application, you should be submitting relevant PS1s and PS2s.

A PS1 is a producer statement for design. It identifies the intent of the design and construction details required for compliance with the building Code.

A PS2 is a design review (peer review) by another suitably qualified Chartered Professional Engineer. A PS2 will be required by the Council if the construction project is valued at over 1 million dollars, or at other times where the Council needs further evidence the design complies with the Building Code.

If you choose to have the design peer reviewed using your own engineer please ensure that the engineer who completes the peer review (and provides the PS2) is a Chartered Professional Engineer (CPEng) and has the correct competence to complete the review. Their review notes and recommendations should also be provided with the building consent application.

Design Producer Statements (PS1) will identify the additional inspections (construction monitoring) required by the suitably qualified independent design professional, that are to be carried out in addition to the BCA's site inspections

More information about Producer Statements can be found on the Engineering New Zealand website, or by calling them on (04) 473 9444.

#### **Producer Statements from tradesmen/qualified installers**

The CDC uses a register of experts, who are not CPEngs whose producer statements will also be accepted. This register is maintained by the Southern Building Controls Group

(SBCG) and is found on the [Invercargill City Council producer statement page](#), of their website.

These producer statements will generally be used to cover installation of components, like, waterproofing, membranes, mechanical services and fire alarms, that cannot be inspected by the Building control officers.

### **Producer Statements to support Code Compliance Certificate application**

Additional Producer Statements (PS3 and PS4) may be required prior to issuing a Code Compliance Certificate. This is covered in 4.10 Producer Statements – Construction review

#### **3.2.2 Change of use, extension of life and subdivisions:**

If you intend to extend the life of a building (sec 116 BA 2004) or subdivide it (sec 116A BA 2004) you may need to seek professional help with the application or come and speak to us about the type of information you may need to supply.

If you are changing the use of a building or part of a building (sec 115 BA 2004) you will need to supply information with your application about how matters related to means of escape from fire, protection of other property, sanitary facilities, structural performance, fire rating performance and access and facilities for persons with disabilities will be addressed. This information should be presented on the Section 115 - Gap Analysis form as part of your building consent application.

### **3.3 What if my application is for a heating appliance only?**

You must supply the make, model and year of manufacture on your building consent application. You must also supply a specification, the manufacturer's installation instructions, details on the flue system and flashing and a complete floor plan of the building, indicating where the appliance is to be fitted and showing the location of the smoke detectors.

Complete a Heater check sheet to ensure your application is complete. You will need to show evidence that the fireplace complies with Otago Regional Councils Air Plan

### **3.4 Where can I get a current Certificate of Title?**

Contact Land Information New Zealand on 0800 ONLINE/0800 665 463 or [www.linz.govt.nz](http://www.linz.govt.nz)

### **3.5 Is there other information that I might need?**

**3.5.1 New Vehicle Access** - Any building which requires a new vehicle access must be approved. Contact the Council's Works and Services department **0800 801 350** to discuss this. A detailed plan showing the location of the proposed access will need to be supplied with your application.

**3.5.2 RAPID Number** - Each new dwelling within the rural area is required to have a number at the gate similar to street numbers in town. This is essential and particularly helpful in emergencies.

### **3.5.3 What about a resource consent?**

Some proposals require a land use resource consent. If you are unsure if your proposal requires a resource consent, you can discuss the details with the planning department at the Clutha District Council Please phone **0800 801 350** and ask for the planning department.

### **3.6 How much will my Building Consent cost?**

This depends on the type of application, cost of work involved and the level of detail provided.

The Clutha District Council has a schedule of fees that details the costs associated with each application type. Fees associated with an application are required to be paid before the application is accepted for processing.

There may also be other associated charges that will be included in the total fees such as:-

- levies payable to the Ministry of Business innovation and Employment (payable on all applications \$20,444 or more);( Building Levy Order GST inclusive)
- levies payable to BRANZ (payable on all applications \$20,000 or more);
- Accreditation levies (payable on all applications \$5,000 or more)
- Additional time spent processing the application;
- issue of compliance schedule (if applicable);
- vehicle crossing; and
- water meter connection (if applicable).

Fee will be calculated at the time the application is received and all fees are required to be paid with the application. A cancellation charge may apply if you withdraw your application.

A schedule of fees is available from our website [www.cluthadc.govt.nz](http://www.cluthadc.govt.nz) or collected from The Council's main office or Service Centres. Fees can be paid at the office or by internet banking

The BCA may charge additional fees for processing time where a large amount of time has had to be spent processing the consent or for additional inspections.

Please note that any fees or charges outstanding at the time of submitting an Application for Code Compliance Certificate may prevent it from being issued.

If an application is submitted to the Clutha District Council, and payment is not made within 24 hours, the application will be returned to the applicant.

### **3.7 Who is the Building Research Association of New Zealand (BRANZ) and why is my application levied?**

BRANZ Limited is an independent and research, testing, and information resource for the building and construction industry. Further information at: [www.branz.co.nz](http://www.branz.co.nz)

### **3.8 What is the Accreditation Levy?**

The Accreditation levy is collected by the Clutha District Council to cover their statutory biannual accreditation of the BCA.

### **3.9 Who are the Ministry of Business, Innovation and Employment (MBIE)?**

MBIE is the government department responsible for regulating the building industry.

### **3.10 Can I change my plans later?**

Yes, if you need to change anything on your plans, you must **apply** for an amendment **before** carrying out any changes to your approved plans. At the end of the building project, the approved building consent documentation needs to be an accurate reflection of what has actually been built. Changing the details of the original consent drawings can be completed in two ways via either an amendment or minor variation. If you have made changes without approval the BCA may stop your job until the changes are resolved.

#### **3.10.1 Amendments**

Major amendments are those where work is outside the scope of the original consent e.g. additional footprint or increases in floor area, construction method, and significant changes to layout. An amendment to a building consent requires a Form 2 to be completed, so that the amendment can be processed by the BCA. A completed amendment checklist should be supplied with your application.

#### **3.10.2 Minor variations**

Minor variations are changes that do not usually affect compliance with the Building Code e.g. changes to types of taps, the position of kitchen joinery, and non-structural walls or doors. You will need to provide information to record the change however it is not necessary to complete a new building consent application form. This may be able to be approved on site by the inspector.

There will be a cost involved in approving the minor variation. Minor Variations should be applied for on the Minor Variation Form.

### **3.11 What are building consent conditions?**

These are conditions imposed on your building consent which are deemed necessary to ensure compliance. For example, all building consents are issued subject to the condition that officers of the building consent authority are entitled at all times, during normal working hours, or while work is being done, to inspect building work which is being carried out. Other conditions may be in relation to building on a site subject to specific hazard conditions, a waiver or modification of the Building Code, a specified intended life for the building or building over two or more allotments.

### **3.12 What are building consent endorsements/advice notes/reminders?**

Building consent documents are often endorsed or have notes added by the consenting authority to remind the building owner about specific aspects of construction to achieve compliance. For example a note may be added regarding specialist inspections that may be required. These endorsements will be noted on the actual consent. It is important that you read and understand all endorsements of the building consent before commencing work. If you do not understand any endorsement imposed, please contact us to discuss.

## **4.0 THE INSPECTION PROCESS**

### **4.1 When can work begin?**

Although work can begin when you have received your building consent, if a resource consent is required, you may need to wait until that is also issued.

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

In most cases a building officer from Council will need to visit the building at various stages during the work to ensure work complies with the consent. Typically the inspector will record the inspection by making notes and taking photos.

When your application is processed, the building officer will determine what inspections are necessary. Each inspection will be identified on your site check sheet attached to your building consent. Typical inspections may include but not limited to siting, foundations, concrete masonry, concrete floor slab, pre-cladding, skeleton, cladding, pool fencing and fireplaces, pre-line building and plumbing, post-lining, drainage and a final.

In some cases finals will require two inspectors to undertake the inspection.

Nonstandard inspection types will be noted on the inspection list for your consent.

Sometimes it is necessary for specialists to conduct inspections in addition to the inspections carried out by the Building Consent Authority (BCA). If a specialist inspection is necessary you will be advised before the consent is issued. Generally, these inspections are necessary to confirm ground stability or specific design by a registered engineer.

It is the owner's responsibility to ensure that the BCA is contacted at the appropriate times to undertake the required inspection. The Building officer will email a copy of the inspection sheet to the contact person.

Please ensure you read inspection requirements and are familiar with them before commencing work. If in doubt, please ask.

Missed inspections may mean that a CCC cannot be issued.

### **4.3 How do I book an inspection?**

Building inspections are booked through the administration team by phoning **0800 801 350** (do not contact the building inspectors directly). Inspections are undertaken Monday - Friday 9.00am to 4.00pm (excluding public holidays).

You must provide the following information when booking an inspection:

- site address;
- building consent number;
- name and telephone number of contact person on site;
- date and time the inspection is required; and
- type of inspection, i.e. plumbing, drainage, foundation, pre-slab, pre-line, etc.



**NB:** It is your (or your builder's) responsibility to notify Council a minimum of 24 hours before you require an inspection.

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

At the conclusion of all inspections the outcome of the inspection is recorded on the site inspection sheet. If the inspection does not pass a site notice, advising what is required to pass, will be left on site. It is recommended that the owner or an agent is available on site for all inspections to ensure they are clear on the outcome.

You may be asked to stop work or continue with conditions (conditional continuation) if the inspector fails the inspection or work is non-compliant or unsafe.

**Please Note:** No APPROVED plans and documentation on site - **No inspection.**

#### **4.5 What if the inspection is not approved?**

If the inspection fails, the work to be fixed will be recorded on the site inspection sheet. Another inspection will be required to inspect the remedial work. In some cases work may have to stop in others some work may be allowed to continue, or an amendment may need to be applied for. If the work is not remedied to the satisfaction of the building officer, it is possible that a Notice to Fix (NTF) will be issued.

Re-inspections may incur additional charges.

**Please note** that building control officers may refuse to complete the inspection if the site is seen to be unsafe.

#### **4.6 What is a Notice to Fix (NTF)?**

A Notice to Fix (NTF) is a formal notice issued by the Building Consent Authority advising that certain works have not been carried out in accordance with the building consent or the Building Code/Act. If an NTF is issued you must address the issues identified within the prescribed timeframe to prevent further action being taken. Typically an NTF will be issued for serious or ongoing breaches. If a notice to NTF is issued, documentation identifying and explaining the process will accompany it. We would prefer to work with you to get compliance.

#### **4.7 Do I need a final inspection?**

Yes, all building consents require a final inspection. The purpose of the final inspection is to ensure that all work is completed to the extent required by the Building Consent.

Although there is no imposed time frame on an owner to complete work, on the 2 year anniversary of the granting of your consent the BCA is required to decide if a CCC can be issued. If you cannot complete the work within this timeframe, it is essential that you contact us to discuss time frames.

An owner must apply for a CCC on the approved form once all the work described in their building consent is completed. To make an application you must complete a CCC application form including filling in details of who did the work and when the work was completed.

Once a complete application has been made the BCA has 20 working days to decide whether to issue a CCC. The BCA will complete an inspection (if a final inspection has not already occurred) and ensure all documentation has been received. The required documentation will be listed on the building consent. If all building work is in accordance with the building consent and Building Code and documentation supplied is acceptable a code compliance certificate (CCC) will be issued. If CCC cannot be issued the 20 working day clock is stopped and further information sought or the CCC will be refused.

The CCC can only be issued where the BCA is satisfied on reasonable grounds that the work complies with the consent and the Building Code.

#### **4.8 Does a Residential property require a Compliance schedule?**

A Compliance Schedule is a document issued by the building consent authority for buildings which contain specified systems.

Generally Compliance Schedules apply to commercial buildings, but if a residence contains a cable car it will need to have a Compliance Schedule prepared. This will be done when the Code Compliance Certificate is issued. You can read more about Compliance Schedules in the Commercial and Industrial Properties section.

#### **4.9 What is a Code Compliance Certificate?**

A Code Compliance Certificate (CCC) is the final certification confirming that the BCA is satisfied on reasonable grounds that all works undertaken complies with the building consent and Building Code. You must apply for a CCC after all work has been completed. This is an important document and should be retained for future reference.

A CCC can be withheld until any development contribution levies are paid or any other fee for the likes of additional inspections etc. Fees can be paid by internet banking or at the Council offices.

#### **4.10 Producer Statements – Construction review**

The Council may request a producer statement for construction (PS3) as evidence that the building work has been completed in accordance with the approved documents, and therefore complies with the Building Code. The author of the PS3 will need to be on the SBCG producer statement authors register. Where these are to be provided, agreement on this will be sought before the building consent is issued.

A Construction review PS4 (statement of expert opinion) will be required to be issued by the agreed suitably qualified independent design professional where requested prior to issuing a Code Compliance Certificate. It must state that the building work was constructed as per the building consent documents and be accompanied by copies of all inspection reports and site notes for the project made during construction of the building works.

Section 3.2.1 Producer Statements discusses Producer Statements in more detail.

#### **4.11 Site safety for inspectors**

You are responsible for the safety of visitors to the work site including those undertaking building inspections. You must provide safe access to parts of the construction necessary for

inspection. Ladder access must be securely founded and tied. Scaffold access and roof edge protection is generally required. Inspectors will not inspect unsafe sites.

## 4.12 What are MultiProof Approvals?

If you intend to build the same building more than 10 times within a two year period, it may be advantageous to have the plan assessed as a MultiProof design.

MultiProof is a statement by the Ministry of Business, Innovation and Employment (MBIE) that a set of plans and specifications for a building complies with the New Zealand Building Code (NZBC). MultiProofs are issued by the National Multiple-Use Approval Service of the MBIE.

A MultiProof is not, and does not replace, a building consent. The holder of a MultiProof must obtain a building consent each time they wish to construct the design to which the MultiProof relates. The BCA will only need to assess the Building Code compliance of site-specific features that are excluded from the MultiProof.

The BCA has 10 working days to issue a MultiProof consent.

## 5.0 COMMERCIAL AND INDUSTRIAL PROPERTIES

### 5.1 Section 363 Public Premises

It is the owner's decision as to when a building can be occupied. However if your building is open to the public, whether free of charge or by payment of a charge, the building cannot be used or occupied until a Code Compliance Certificate (CCC) is issued.

In certain circumstances it may be possible to apply for a Certificate for Public Use (CPU), which will allow a building or part of a building to be used before the Code Compliance Certificate is issued.

Each application for a CPU will be considered on a case-by-case basis. When applying for a CPU you will be required to provide a completed CPU checklist that shows how you are complying with the Building Code to the extent required by the BCA.

#### 5.1.1 What are public premises?

Any building which is open to the public whether free of charge or by payment of a charge, including but not limited to:

<ul style="list-style-type: none"><li>• shopping malls;</li><li>• cinemas;</li><li>• marae</li><li>• camping grounds</li></ul>	<ul style="list-style-type: none"><li>• garages and workshops;</li><li>• funeral homes;</li><li>• office public reception areas and retail complexes; and</li><li>• rest homes, etc.</li></ul>
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## 5.2 What is a Compliance Schedule (CS)?

A Compliance Schedule is a document issued by the building consent authority for buildings which contain specified systems. Specified systems include:

automatic systems for fire suppression;	automatic or manual emergency warning systems for fire or other dangers;
cable cars.(includes residential dwellings)	emergency lighting systems
laboratory fume cupboards	smoke control systems
other fire safety systems or features (systems for communicating information intended to facilitate evacuation, final exits, fire separations, smoke separations, signs);	emergency power systems for, or signs relating to, specified systems 1 to 13
mechanical ventilation or air conditioning systems	electromagnetic or automatic doors or windows;
escape route pressurisation systems	riser mains for use by fire services
automatic back-flow preventers connected to a potable water supply	building maintenance units providing access to exterior and interior walls of buildings
lifts, escalators, travelators, or other systems for moving people or goods within buildings	audio loops or other assistive listening systems

A Compliance Schedule can be kept on site (or at another location with TA approval) and made available to building officers, Independent Qualified Persons (IQPs) and authorised agents.

## 5.3 What is a Compliance Schedule Statement?

A Compliance Schedule Statement is issued by the Territorial Authority (TA).It will list the buildings specified systems and the location where the Compliance Schedule is kept (as notified to Council by the building owner). It is issued at the same time as the Code Compliance Certificate (CCC). It must be replaced in 12 months with a Building Warrant of Fitness (BWOFF), which is issued by the building owner.

## 5.4 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 (CCC) by the Building Consent Authority (BCA) for:

- new buildings (if the building has one or more specified systems); or
- an alteration to a building where the work requires a building consent.

If you are planning to obtain a CPU on a new building you will need to request the BCA to issue you with your Compliance Schedule before the CCC is issued. The Compliance Schedule will be issued again when the CCC is issued.

When applying for a CCC for a building that contains specified systems you should attach to the application relevant certification for the specified systems as well as details of the specified systems and plans showing specified system locations and or layout.

## **5.5 What information do I need if I am applying for a Compliance Schedule?**

Your architect/designer should provide you with information relating to the performance standards for each specified system contained within the building at the time the application for building consent is made. The performance standards will identify the inspection, maintenance and reporting procedures required for each system.

## **5.6 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.

## **5.7 What is a Building Warrant of Fitness (BWoF)?**

A Building Warrant of Fitness (BWoF), (Form 12), is a statement issued annually on the anniversary of the issue of the Compliance Schedule by the building owner to Council stating that the requirements of the compliance schedule have been fully met.

The Building Warrant of Fitness (BWoF) must have attached to it all certificates of compliance issued by the Independent Qualified Person (IQP). 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 (CS), have been fully complied with during the previous twelve months.

The CDC website has additional information about Building Warrants of Fitness.

## **5.8 What documents should I keep regarding the Building Warrant of Fitness (BWoF)?**

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 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 (CS) for a period of two years and produce those reports for inspection when required.

## **5.9 What is an Independent Qualified Person (IQP)?**

An IQP is a person who is qualified to carry out any performance inspection, maintenance, reporting or recommendation on a specified system.

The CDC, along with all other BCAs in the South Island, uses a communal [IQP list](#) which is maintained by the Timaru District Council, on their website.

All IQPs are required to be included on that list if the documentation is to be accepted with BWoF renewals.

## **6.0 COMPLAINTS**

### **6.1 What happens if I am unhappy about any decision the building consent authority has made?**

You have the right to appeal any decision the Building Consent Authority (BCA) has made, or to complain about any building control function the Building Consent Authority (BCA) undertakes. A customer has a right to complain and have their complaint managed.

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

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

<ul style="list-style-type: none"><li>• meeting statutory time frames;</li><li>• lodgement or vetting of building consent applications;</li><li>• processing of building consent applications;</li><li>• inspection of work under construction;</li><li>• issuing of a notice to fix;</li></ul>	<ul style="list-style-type: none"><li>• issuing of code compliance certificates;</li><li>• issuing compliance schedules;</li><li>• failure to provide appropriate information or advice;</li><li>• fees and charges; and</li><li>• failure to meet legislative or Building Code requirements.</li></ul>
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### **6.3 How do I make a complaint?**

You can make a complaint in person; however it must be accompanied by a written statement. Complaints not made in writing or made anonymously will not be acted upon.

Complaints should be addressed to:

Building Control Manager  
PO Box 25  
Balclutha 9240

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

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

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

All complainants will be responded to within 2 working days of the receipt of the complaint, at which time you may be asked whether you wish to be heard in relation to the complaint or to provide further information.

All complaints will be acted upon within 20 working days of receipt of the complaint, unless a request for further information is made.

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

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

All appeals should be addressed to:

Chief Executive Officer  
Balclutha District Council  
PO Box 25  
Balclutha 9240

All appeals will be responded to within 10 working days.

## **What else can I do?**

If you are still unhappy or choose to use an alternative route to settle a matter of doubt or dispute, you may apply to the Ministry of Business, Innovation and Employment (MBIE) for a Determination. Visit [www.building.govt.nz](http://www.building.govt.nz) for further information on this service and to download the form (Form 14).

In some cases you can seek a determination from the Ministry of Business innovation and employment where there is a matter of doubt or dispute or lay a complaint with the MBIE regarding building control function. Queries of this nature should be made to MBIE direct

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## USEFUL WEBSITES/TELEPHONE NUMBERS

Search the Licensed Building Practitioners (LBP) register  
<https://lbp.ewr.govt.nz/publicregister/search.aspx>

Plumbers, Gasfitters and Drainlayers register  
<http://www.pgdb.co.nz/search/public-register.html>

Ministry of Business, Innovation, and Employment (formerly DBH)  
<https://www.building.govt.nz/> 0800 60 60 50

Environment Southland [www.es.govt.nz](http://www.es.govt.nz) 0800 76 88 45

BRANZ [www.branz.co.nz](http://www.branz.co.nz) 0900 5 9090

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

Land Information New Zealand [www.linz.govt.nz](http://www.linz.govt.nz)

Engineering New Zealand <https://www.engineeringnz.org/> (04) 473 9444

Southland Warm Homes Trust  
<http://www.powernet.co.nz/community-involvement/southland-warm-homes-trust/>

Fire and Emergency New Zealand  
<https://fireandemergency.nz/>

Fire and Emergency New Zealand– Community Responsibility  
<https://fireandemergency.nz/at-home/your-community-responsibility/>

NZ Homeowners' Building Guide [www.buildingguide.co.nz](http://www.buildingguide.co.nz) (09) 360 8885

### USEFUL PUBLICATIONS

**NZ Homeowners' Project Workbook – Your Guide to Building a Better Home** (order local copy at: [www.buildingguide.co.nz](http://www.buildingguide.co.nz) or (09) 360 8885

**[Guide to Applying for a Building Consent \(Simple Residential Buildings\)](#)** – MBIE

