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# **Consumer Information**

**Project Information Memorandum (PIM)**

**Building Consent**

**Inspections and Building Work Certification**

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BUILDING CONSENT**

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## The Building Act:

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

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

To achieve this purpose, the Principal Act, which is supported by the Building Amendment Act 2012, requiring anyone proposing to do building work to obtain a Project Information Memorandum (PIM) and a Building Consent from a Building Consent Authority (BCA) before commencing building work.

### *Who Administers the Building Act?*

The Ministry of Business Innovation and Employment ([MBIE](#)) is the Government Department responsible for administering the [Building Act 2004](#).

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

BCAs 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.

Kaipara District Council (KDC) is a local Territorial Authority that has been accredited as a BCA; herein referred to as Council.

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

A Project Information Memorandum (PIM) is a memorandum issued by the Territorial Authority (Council) under [section 34](#) of the Act and sets out information relevant to your building work.

- The information is provided on a prescribed form and is required to include all such information known to Council which may be relevant to the proposed building work or site. This includes potential for:
  - erosion;
  - avulsion (removal of land by water action);
  - falling debris;
  - subsidence;
  - inundation (including flooding, overland flow, storm surge, tidal effects, and ponding);
  - slippage;

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- alluvium (the deposit of silt from flooding); and
- 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 PIM also identifies any additional approvals required such as:

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

### ***The PIM also includes:***

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

- other necessary authorisations being obtained.

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

You would need to contact the Council Planner, or your own planning adviser, to determine whether your proposal complies with the District Plan. If it does not, and Resource Consent is required, you are strongly advised to obtain this before seeking Building Consent to avoid possible expensive changes to your proposal.

### ***Do I need a PIM?***

Obtaining a PIM is voluntary, however information provided in a PIM may be useful when designing your project. Council recommends that you apply for a PIM prior to the application of a building consent. A PIM can be applied for separately or in conjunction with your Building Consent.

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

An application for a PIM is made by using the Objective Build [Create an account and apply through Objective Build](#). This is accessed via Kaipara District Council Website. If you are unable to access Objective Build and need assistance with a hardcopy application, please contact one of our team members at Kaipara District Council on ph: 0800 727 059 or [buildingsupport@kaipara.govt.nz](mailto:buildingsupport@kaipara.govt.nz).

### ***Documentation required:***

All applications must be accompanied by one copy of:

- site plan;
- floor plan;
- building elevations;
- Working drawings including foundations, cross-sections etcetera; and

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- Certificate of Title along with any consent notices associated with the title
- Supporting documentation such as from Geotechnical and/or Chartered Professional engineers
- Technical specifications for products used with appropriate supporting documents

## How long does it take?

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

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

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

## 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 cannot 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.

## When is a Building Consent required?

Note: There are some exceptions to the examples given below. Please refer also to Schedule One of the Building Act for information on building work that is exempt from the requirement to obtain a building consent:

[Schedule 1: Building work that does not require a building consent | Building Performance](#)

A Building Consent is required for most work including:

- swimming pools, spa pools and some fencing
- retaining walls over 1.5 metres (no surcharge);
- retaining walls any height incurring a surcharge;
- decks over 1.5 metres high;
- pergolas that have roofing material fixed (no limits otherwise);
- free-standing non-habitable buildings larger than 10 square metres;
- plumbing and drainage work;
- partial demolition (see exemption 30 for Demolition that does not require a consent);

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- relocation of buildings onto permanent foundations (a building consent is not required to relocate a building onto temporary foundations until a formal consent application is made for the building to be used as a dwelling, furthermore, customers are advised to check Planning rules as this is not to be considered as Planning approval.
- Note: the building must not be used for habitation until it has been legally certified by Council
- additions, alterations to existing buildings other than what is exempted under schedule 1 (see link above);
- new buildings;
- change of use (may include an increase in occupant numbers);
- heating including fireplaces;
- ventilation and air-conditioning systems (commercial).

## **Building work that does not require a Building Consent (exempt)**

The New Zealand Building Act 2004 Schedule 1 provides a comprehensive list of building work that does not require a building consent (exempt).

Please click on the link below to Schedule 1: [HERE](#)

There is also the provision in Schedule 1, Section 2 called 'Territorial & Regional Authority Exemptions'.

Under this section Council may exercise discretion and consider an exemption application from the requirement for a building consent where the proposed work is not contained in the list as a particular exemption.

*'If the proposed scope of your building work is marginally beyond the scope of a particular exemption, we suggest that you consider applying to the Council for an 'exemption 2'. The council can then exercise its discretion as to whether or not it will require a building consent. Before doing this, we recommend that you talk to the council to gauge whether or not it is prepared to exercise its discretion under exemption 2 on your project' – MBIE Guidance.*

Application forms for 'discretionary exemptions' are found on Kaipara Council Website Building Information 'forms'. However, we recommend that you contact Customer Services in the first instance and log a service request for a building officer to call you back and discuss the work and whether the proposal could be considered as an exemption.

## **New Building Work Exemptions Effective 31st August 2020**

Additional building consent exemptions were added to the Building Act, effective August 2020. Building consents will no longer be needed for a number of new or expanded types of low-risk building work, like sleep-outs, sheds, carports, outdoor fireplaces and ground-mounted solar panels (certain limitations apply to the above).

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Building work that does not require a building consent must still comply with the Building Code and other legislative requirements, such as those under the Resource Management Act 1991, the Electricity Act 1992 and the Health and Safety at Work Act 2015.

Building work must also meet the requirements of the District Plan.

Full details relating to new building works exemptions can be found under the Government's new exemptions at [building.govt.nz/](http://building.govt.nz/).

A guide to building work which does not require a building consent under the Building Act 2004 is available at [Exemptions Guidance for Schedule 1 of the Building Act 2004](#)

Additional information regarding legislation; "Building (Exempt Building Work) Order 2020" can also be found on [legislation.govt.nz](http://legislation.govt.nz).

For guidance or further information please telephone customer services on 0800 727 059.

*'All building work must comply with the NZ building code to the extent required by the Building Act, whether or not a building consent is required for that work'. Section 40 Building Act 2004*

## **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 and information that demonstrates compliance with the NZ Building Code.

There is a statutory timeframe requirement for all Building Consents to be granted within 20 working days, however; if information is deficient, the statutory time clock will be stopped, and a formal request for further information (RFI) will be made. The statutory time clock can only be restarted when the requested information is received in full.

It is possible that your Building Consent application requires checking by several disciplines; therefore, the clock may be stopped and started on more than one occasion.

## **National Multiple-Use Approval (MultiProof)**

The MultiProof scheme is beneficial for builders and companies who build standardised designs. It provides evidence of compliance for Building Consent Authorities, and 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 Building Code.

To be eligible for MultiProof, you must have the intention and the ability to build an approved design at least 10 times over two years. MultiProof speeds up the consenting process. It does not give the right to carry out building work that requires a building consent. You still need to apply for consent each time you want to build.

MultiProof establishes that a design complies with NZ Building Code.

When your building consent application includes a MultiProof the BCA must grant or refuse it within 10 working days instead of the usual 20.

When receiving a building consent application that relies on a MultiProof, the BCA will undertake the following:

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- check the application is complete, based on the list provided on the previous page of this document
- ensure the application is within the terms of the MultiProof and that the approval is current
- assess the Building Code compliance of any building features not covered by the MultiProof (for example, site-specific features, such as drainage)
- check that the Memoranda ('Approval/s' of design work) for the site-specific RBW include all the necessary information
- ensure that the proposed site meets the conditions of the MultiProof (such as wind or climate zone limitations)
- ensure any other approval conditions are met
- grant or refuse the building consent within 10 working days
- advise the applicant, in the building consent, of inspection requirements and any documentation that must be supplied before the code compliance certificate will be issued, such as an energy work certificate and Memoranda (Records of Building Work) from the trade LBPs involved in the construction of RBW.

Similar to a building consent the BCA may need to contact you for further information on aspects of your application during processing.

If this is the case, the BCA will 'stop the clock' and will not continue processing your application until we receive the requested additional information. When the requested information is received, the BCA will 'restart the clock' and continue processing your application.

When we have finished processing your application, you will be notified of the outcome including confirmation of the building consent being issued.

## **BuiltReady Scheme**

BuiltReady is a voluntary certification scheme for manufacturers of modular components.

It allows registered manufacturers to issue certificates covering the manufacture, or design and manufacture, of modular components. Certificates will need to be included in building consent and CCC applications. The modular components that have certificates that are issued by a design and manufacture registered manufacturer will be 'deemed to comply' and the certificates must be accepted by the BCA as evidence of compliance with the Building Code.

The BCA will;

1. ensure the manufacturer supplying the certificates that accompany a building consent or CCC application have a current registration within the scheme.
2. check that the modular component is used in accordance with the scope and limitations as defined on the certificate, and
3. need to establish the extent of any work not covered by a manufacturer's certificate

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## CodeMark

CodeMark is a voluntary product certification scheme that provides an easily-understood and robust way to show a building product or building method meets the requirements of the New Zealand Building Code.

A CodeMark certificate must be accepted by the BCA as meeting the requirements of the New Zealand Building Code, provided the certificate is current and the product or method is used in accordance with details noted on the certificate.

There is a mandated certificate template for CodeMark certificates that certification bodies must use when issuing certificates.

Effective 11<sup>th</sup> December 2023, new CodeMark scheme rules 4.4 and 4.5 relating to public disclosure requirements commence. Under this new rule, certificate holders are required to make information such as design or installation manuals accessible on their website or via request on their website. There are instances when a certificate holder may reject a request for this information, such as if the product requires an approved installer and the person requesting is not approved to install the product. Information such as test reports and opinions are not required to be disclosed.

For more information on CodeMark, please reference this link [CodeMark Scheme](#)

## How do I apply for a Building Consent?

You need to [apply online](#) to take full advantage of the BCA's online consenting system. Applying online will give you the opportunity to take full advantage of this system. It provides visibility on the current status of the application as well as the ability to apply for Code Compliance Certificate online when the building work is completed.

You can view Objective Build showing you how to complete a Building Consent application form online before you commence this process.

If an online application is not possible, we are able to accept paper applications if necessary, however this option is not recommended. Paper applications can be received by email, or delivery to our office located at Unit 6, No 6 Molesworth Drive, Mangawhai 0505.

Once received, we will convert your application into digital form for processing and tracking.

## Restricted Building Work and Licensed Building Practitioners

From 1<sup>st</sup> March 2012 the Licensed Building Practitioner scheme was enacted under the Building Act 2004.

Restricted Building Work is residential design, construction, or alteration work that

- requires a building consent
- and involves or affects a home's:
  - primary structure;
  - weather tightness
  - certain fire safety design

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For a full explanation of this law please refer to the MBIE web page: [Use Licensed people for restricted building work.](#)

A Certificate of Work from a Licenced Building Practitioner who holds the appropriate design licence is required to accompany all residential applications that involve [Restricted Building Work](#) (RBW). The only exception to this is if you wish to apply as an Owner Builder. There are strict rules around this however and remember that Council is not an educator to teach the complex language of building law. Neither is Council authorised to provide design advice.

It would be an advantage to provide details of the Licensed Building Practitioners (LBPs) to be used for each stage of the project i.e., Foundations, Carpenter, Brick/Blockwork, Roofer, and External Plasterer.

However, it is understood that not all this information will be known at the time of consent application. Nevertheless, it is a Building Act requirement that no work is to start prior to notifying the BCA of the LBP undertaking RBW.

Please see link from MBIE for [Owner Builder Advice](#). Please also remember that this application is available using Objective Build system online so again no paper form is required.

Forms can also be obtained from:

- our website, or
- Council offices at:  
Unit 6, 6 Molesworth Drive, Mangawhai 0505, or 32 Hokianga Road, Dargaville 310.

On receipt of your application, our Technical Services Team will vet your plans to ensure all relevant information has been provided.

*Please note: this is not a technical assessment but merely a check to ensure all necessary information has been provided.*

On receipt of your application, the 20-day statutory clock will start however, any requests for further information at Vetting will stop the clock and when all necessary information is satisfactorily provided along with your fees, the clock will reset to day one. If your application is declined, you will be notified and informed of what is still required.

## **[Applications that are required to be sent to Fire and Emergency NZ \(FENZ\)](#)**

Under Section 46 of the Building Act 2004 the BCA is required to send certain applications to Fire and Emergency New Zealand (FENZ) for review under the Fire Service Act. Where this occurs FENZ have 10 working days in which to provide their feedback / memorandum to the BCA.

The memorandum issued by FENZ will set out their advice in regard to provisions for means of escape from fire and the needs of persons who are authorised by law to enter the building to undertake firefighting.

Types of applications that are required to be sent are detailed at <https://gazette.govtNew Zealand Gazette>

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## How long is my Building Consent valid for?

Building Consents are valid for 12 months from the date of issue. Work must have commenced within the 12 months, or the Building Consent shall lapse requiring a new application. However, you may apply for an extension of time to 'commence' work. Please note that extensions of time for building work to start can only be made prior to the 12 months' expiry date.

*Please note: These cannot be processed after this date and a new application will be required.*

You can apply for an Extension of time using the application form which is available from our Council office/s or our Website under the section "Services", "A-Z Services", "Forms A-Z", "Building", "Application Forms", "[Extension of time to commence or complete building work](#)".

You may also access the form the website under the section "How long is my Building Consent valid for?"

## What sort of Information do I need?

Building Consent applications can be complex; a designer who is a licensed building practitioner will have the knowledge and experience to provide the BCA with the required application details.

Each application must be accompanied by:

- a set of plans and specifications
- if applicable, one set of engineering calculations, accompanied by Producer Statement Design PS1 from a Chartered Professional Engineer.
- one set of wall bracing calculations and, if applicable, a Producer Statement Design Review PS2 from a suitably qualified Chartered Professional Engineer.
- if applicable, an E2 risk matrix (demonstrating weather tightness features); and the application fee.

Building Consent applications may require specified systems, which will involve proposed inspections, maintenance, and reporting procedures. Specified systems are crucial to the safety and health of a building and those who use it. As a building owner it is your responsibility to ensure the systems are inspected and maintained according to the compliance schedule. If specified systems for part of your building consent application, this will trigger the need for a Compliance Schedule. Refer to [Compliance Schedule](#) for further information.

All consent applications need to be made online using the application checklist. This is found on Councils website [Objective Build](#).

For more detailed information refer to the appropriate Building Consent checklist identifying more detailed information, which is available on our website under the section "[Apply for a Building Consent](#)". You can reference the "Building Consent Checklists" at the bottom of the screen, including;

- Checklist Form for Residential or
- Checklist Form for Commercial

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## How much will it cost?

Please refer to KDC Fees and Charges which is available on our website under the section “Services”, “Fees and Charges”.

The method of fee and levy payment for Building Consents\* can be made by the following options;

- (a) [PAY-ONLINE](#) through KDC’s website
- (b) Direct Debit: Details of direct debit payments are included in your invoice, or
- (c) Payment over the counter at either of Council’s office locations

The cost of allocated Inspections (calculated by building complexity), and costs associated with the Code Compliance Certificate are included in the Fees and Charges for Building Applications.

Additional inspection fees may be charged over and above the allocated inspections, depending on the building consent.

Please also refer to KDC [Development Contributions Policy](#) which is available on our website under the section “Services”, “A-Z Services”, “Documents A-Z”, “Policies”, “Development Contributions Policy”.

## How do I lodge an Application?

You can lodge your Building Consent [Online](#) through the Objective Build system. Your application will be checked for completeness and formally accepted (subject to all information provided and fees being paid).

## How is my Application processed?

All applications are put through a formal vetting process. The vetting process is not a technical check but merely a check to ensure all information has been provided. Your application may be rejected at this time if insufficient information has been provided.

Once the application has been vetted it is then receipted, entered into our processing system and allocated a unique identifier, (i.e. your Building Consent number).

The application is then allocated and circulated to the various disciplines within Council for processing, (i.e. planning, engineering, building, water, drainage etcetera).

The consent application including all accompanying specifications and supporting documents are assessed for compliance against the Building Act 2004 which includes the NZ Building Code. The Building code contains a series of clauses that are referenced to the specific part of the building e.g. ‘B1 Structure or ‘E2 External Moisture’. [Building Code compliance](#)

The application must demonstrate compliance ‘on reasonable grounds’ with all the relevant sections of the Act and Building Code at which time the building consent will be issued.

Specialist Input is often required (typically structural or wastewater engineers) and will be charged at cost plus 10% in accordance with KDC Fees and Charges.

Each discipline will review your application and assess it for compliance. If there are any questions or concerns an email will be sent to you requesting further information (RFI) or clarification.

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It is important you respond to the RFI by replying directly to the email sent to you. This will send your reply directly back into your electronic consent application and to the processor who is working on it.

When a request for further information (RFI) is sent the 20 working day time clock is stopped and processing is suspended until this information is provided.

Once all disciplines are satisfied that compliance is achieved, a final check is made to ensure all work has been assessed correctly. If satisfied, the time clock is stopped by the granting of the Building consent. Granting the building consent means the BCA processing officer has been satisfied on reasonable grounds (as referred to under [Section 49](#) of the Building Act 2004) that if the building work was completed in accordance with the plans and specifications the building would comply with the provisions of the NZ building code.

Granting you building consent is conditional on enabling the building work to be inspected.

You will be notified of any outstanding fees at the point when we are satisfied that Building Consent may be issued or refused. When these are paid Building Consent will be issued, in most situations the initial fee will cover all costs.

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

***Unfortunately, having a Building Consent does not necessarily mean that construction may start. In some cases, other permissions (for example: Resource Consent) may firstly need to be obtained. Such conditions will be notified on your PIM or Building Consent on 'Form 4' and is called a 'section 37' notice.***

## **Important sections of the Building Act 2004**

Please refer to the NZ Building Act in the stated sections for detailed information and requirements regarding the following subjects: [Building Act 2004](#)

- Alterations to existing buildings – section 112
- Change of Use of a building – section 115
- Extension to the 'specified intended life' of a building – section 116
- Subdivision of an existing building – section 116A
- Earthquake Prone Buildings – section 133AA – 133AY, which includes a summary on Council's website and:
- [Managing Earthquake-prone buildings](#)

## **Building on Land that is subject to Natural hazards**

It is very important to identify early whether the land you are proposing to build on is subject to a natural hazard. The Building Act 2004 has specific rules that the BCA is required to follow and may affect the design proposal or even cause the BCA to decline the application.

The types of hazards are specified under section 71 of the Building Act 2004 and include:

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- erosion:
- falling debris (including soil, rock, snow and ice:
- subsidence:
- inundation (including flooding, overland flow, storm surge, tidal effects, and ponding):
- slippage

The BCA must refuse to grant a building consent under section 71 unless the BCA is satisfied that adequate provision has been, or will be made to –

- protect the land, building work, or other property affected from the natural hazard or;
- restore any damage to that land or property as a result of the building work

If the BCA is unable to issue a consent under section 71 it may consider section 72:

## **72. Building consent for building on land subject to natural hazards must be granted in certain cases**

*Despite [section 71](#), a building consent authority that is a territorial authority must grant a building consent if the building consent authority considers that—*

*the building work to which an application for a building consent relates will not accelerate, worsen, or result in a natural hazard on the land on which the building work is to be carried out or any other property; and*

*the land is subject or is likely to be subject to 1 or more natural hazards; and*

*it is reasonable to grant a waiver or modification of the [building code](#) in respect of the natural hazard concerned.*

If the BCA issues a Building Consent under section 72 it must also notify the consent to the Registrar-General of Land. Simply put the hazard will be registered on the title. This may have insurance and financial implications so the earlier this is detected and defined the better.

Please refer to the Building Act 2004 sections 71 – 74 for detailed information:

<http://legislation.govt.nz/act/public/2004/0072/latest/DLM306822.html>

## ***Building across a boundary***

If you own two lots and you intend to build across the boundary of the second lot the Building Act section 75 is applicable. Council is required to issue a certificate to the Registrar General of Land signed by the owner of the land. The certificate requires that the affected lots must be sold together.

The only two exceptions of this requirement are:

- If a Party wall (fire rated to the required level) is installed on the affected boundary
- If the Registrar General of Land has granted an exemption

Please refer to the Building Act sections 75 – 80 of the Building Act 2004 for details:

<http://legislation.govt.nz/act/public/2004/0072/latest/DLM306828.html>

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## How will I be notified?

When your application is ready for issue (or refused issue) and all fees are paid, your Building Consent will be uploaded to the Objective Build portal.

Please note that the BCA no longer prints Building Consents, and it is the applicant's responsibility for this

If there are outstanding fees, then you will receive an invoice advising you that your Building Consent is granted and may be issued when all fees are paid. As soon as you receive your issued Building Consent, you may commence building works in accordance with the Building Consent.

You need to start your building work within 12 months of receiving your building consent, or your consent will lapse. If you need an extension, talk to your council before the 12-month timeframe is up. If the consent has lapsed and you still want to do the work, you will have to re-apply for a consent

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

Note: Please ensure all consented plans, specifications and all supporting documents are printed off and available for all site staff as well as Council's Building Control Officers.

## What are Building Consent Conditions and/or Advice Notes?

There may be conditions and/or advice notes imposed on your Building Consent which are deemed necessary to ensure compliance.

There are always certain 'Advice notes' and often 'conditions' that are included with your building consent. It is very important that you read these and comply with them.

The **conditions** will be based on certain sections of the building Act 2004 such as:

- section 67 – when the consent is subject a waiver or modification to the building code
- section 71 -73 – when the land the building is on is subject to a natural hazard
- section 75 – when the proposed building is constructed across a boundary
- section 113 – when the specified intended life of a building has been reached
- section 90 – that the building work is subject to inspections including professionals such as Chartered Professional Engineers or registered surveyors to confirm that the building work complies with the building consent. See also 'the inspection process' below.

The 'advice notes' are various other requirements that the BCA needs to assist in making compliance decisions such as commissioning statements for specified systems or wastewater systems etc.

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

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## Building Product Information Requirements

There is now a requirement to provide building product information, including specific details, to consumers for designated building products.

Regulations have been made to provide building product users with information about how building products contribute to compliance with the Building Code. They place obligations on Aotearoa New Zealand-based manufacturers, importers, wholesalers, retailers, and distributors.

BCAs have no new responsibilities, but the information provided by building product manufacturers will require a level which should help BCAs with more efficient consenting. If the BCA has concerns with a product or see deficiencies in the product information that cannot be resolved, the BCA is recommended to notify MBIE. The regulations only apply to products manufactured or imported after 11<sup>th</sup> December 2023. No products after this date can be supplied without product information that meets the regulations.

The BCA will still need to check that building work and the products used are compliant with the Building Code via the building consent process. The BCA will also still be able to request additional information about a building product to better inform their decision about a building consent application.

Click on this link to view further information on this topic. [Building Product Information Requirements:](#)

## What is a Producer Statement?

A Producer Statement is a formal written certification that specific building work, design or specifications complies with technical requirements, in order to comply with the provisions of the New Zealand Building Code or a building consent.

The statement is signed by a recognised specialist (such as an engineer or architect) working within their scope of expertise and competency. It's their responsibility to ensure that they meet the requirements of their industry code of practice, and that the Producer Statement is complete and accurate.

Producer Statements (PS) are typically provided in relation to:

- a. structural engineering
- b. geotechnical engineering
- c. civil engineering
- d. fire engineering
- e. heating, ventilation and air-conditioning systems
- f. glazing for specific designs and commercial projects.

You'll need to provide a Producer Statement with your application if you've engaged an engineer to carry out structural design work as part of preparing your building plans. They will have to provide you with a PS1 to submit with your application, and a PS4 at the end of the project stating that they've supervised the implementation of the design and that the work complies with the New Zealand Building Code.

For information on Producer Statements please go to:

<https://www.engineeringnz.org/resources/producer-statements/>

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## What if I want to make changes to the application before the consent is issued? i.e. 'minor variations' or 'amendment's.'

Note: *If the consent has not been issued any changes whether minor or major are not 'changes to the consent' since it has not yet been issued. It is rather changes to the 'application.'*

*If the proposed changes were applied for 'after' the consent is issued, the changes are 'minor variations' or 'amendments' to the 'consent.'*

If the processing of the application has not been completed and you want to make changes, you must contact the processor and discuss the proposed changes as soon as possible.

The processor must determine what effect these changes would make on the application. The changes may be quite simple and only require superseding minor details. However, if the changes are significant or differ substantially from the originals, a new application may be required. This could depend on how far the processor has advanced with the original application.

Other considerations must be:

- Whether the proposed changes require re assessment in terms of value of work i.e. fees & charges including BRANZ, MBIE levies and Development contributions.
- Whether the proposed changes affect the District Plan, therefore Planning may need to review the proposed changes.

## The Inspection Process

### What inspections do I need?

During processing of the Building Consent Application, we will determine what inspections will be necessary to enable us to be satisfied on reasonable grounds that compliance will be achieved. Each inspection will be identified along with the requirements for that particular inspection. A list of inspections will be attached to your Building Consent. The type and number of inspections required for your project will be listed on your approved Building Consent document.

*Please note that this is a guide only and there may be more or less inspections required. The inspector will determine this and may amend as required. If you have any concerns, please discuss with the inspector on site.*

A responsible person must be on site to meet the inspector unless agreement has been made otherwise. In most cases there must be someone on site that is responsible for the work and is able to answer questions.

The inspector will assess the building work against the issued consent and specifications for compliance and these must be made available to the inspector. This is referred to as "verification of construction to consented documents".

The products, systems and methods that were consented must have been used and the plans and specifications will be carefully checked for compliance with the issued consent.

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Please ensure that the site is made safe and accessible for the inspector including compliant scaffold where required, dogs are under control, and that the building work related to the inspection has been completed in accordance with the consent and ready.

One of the very first requirements is to establish that the location of the building is in accordance with the consent. This can be done by having a minimum of 3 registered survey pegs; however, the lines must be strung accurately and be easily measured to the building. A survey certificate is often required that must state the building is set out in accordance with the consent.

## **Changes to the consent (Minor Variations or Formal Amendment)**

### Minor Variations

Section 45A of the Building Act 2004 describes Minor Variations to a building consent and the law that applies.

MV's (Minor Variations) are not required to be on a prescribed form and the inspector may nominate to simply record this as a not on the consent documents, signed and dated. He will then photograph this with the Tablet to capture the MV within the Consent records.

However, some MV's are more detailed such as those involving Restricted Building Work (RBW). If this is the case Council require certain documentation to complete the paperwork. For example:

RBW requires a Certificate of Works (CoW) from a designer so a new variation. If the variation to the design involves a Chartered Professional Engineer (Cpeng) he is regarded as an Licensed Building Practitioner (LPB) and will provide a CoW as well as a plan of the alteration.

So depending on the scope of the proposed MV we may need any of the following:

- Minor variation form (see attached or obtain from inspector)
- CoW if the alteration involves RBW (CPeng, registered Architect, or LBP designer)
- Detail of proposed alteration
- Owners signed request or authorization for product substitution. (this is import when a product differs from what is consented)
- Inspectors' authorization of the MV proposal (he will assess whether the MV is not actually a formal amendment which if it is, the MV will be declined)

Minor Variations are normally assessed on-site and it is appropriate to discuss the proposal with the inspector. If you identify that a minor change is required to the consented plans before or during building work starting, this needs to be discussed with the inspector at your next inspection. If he declines the MV and decides that a formal amendment is required, no work is allowed to proceed until the amendment has been processed and stamped plans are issued. If work has been done, an amendment cannot be issued, and enforcement action is likely to proceed which will include an application for a C.O.A (Certificate of Acceptance).

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As a ‘rule of thumb’, if the MV can be assessed on site by the inspector and satisfy him that the work will comply with the Building Code, this is likely to meet the test.

However, if the proposal involves research or uncertainties, this is likely to be a formal amendment requiring processing.

No work should proceed until authorization has been received from the inspector.

Please refer to the link below that provides guidance from MBIE for assessing MV’s and the differences between these and amendments.

[Minor variations guidance | Building Performance](#)

## Amendments

An amendment to the building consent is treated the same way as the initial building consent application and the same rules apply. This is not a ‘minor variation’ and must be formally submitted to Council for processing in the same way as the parent consent. No work is to be undertaken until Council has issued the approved amended consent.

Although the statutory timeframe of 20 days to process the application also applies, we try to give a high priority in processing amendments since these proposals can often hold up work on site.

If there is any doubt as to whether a proposed change is a minor variation or an amendment either, discuss with an inspector on site, or contact customer services and request to speak with a building inspector.

If the work has already been completed, Council cannot process an amendment as this would be in breach of section 40 of the Building Act 2004 ‘*A person must not carry out building work except in accordance with a building consent*’.

## Typical Inspections

The types of inspections typically required to be undertaken to determine compliance with the issued building consent are:

Note: In general, the inspector will carefully check whether any engineers were required to certify any work. This is usually associated with special engineering design. The site notes must be available to the inspector to confirm approval. If these are not, while the inspection may proceed, it will fail and an inspections block will be added to the consent until the required document has been forwarded to Council. After confirming this, the block will be removed and inspections continue.

- **Foundations** – siting confirmation is required which may be either registered boundary pegs, a minimum of 3 (forming a right angle) alternatively a registered surveyors certificate that confirms the location of the building. The inspector will check the ground that it is firm (using a spear), that the trenches, or holes are clean, water removed, clearances to reinforcing, lapped, tied and clean; any damp course is well taped and continuous.

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- **Under slab plumbing** – for raft slabs this is normally the first inspection, therefore the siting requirements (as above) are required. Drains under slab will be checked for correct fall, bedding, pipe sizes, priming used in joints and the pipes must be tested for leaks by either water or air test etc.
- **Slab** – As above siting must be confirmed if not previously done. Layout of slab, any thickenings, DPC, blinding under DPC and reinforcing including mesh and bar chairs etc.
- **Blockwork** – Blocks will be checked for reinforcing including any bond beams, cover, sizes, lintel linkages etc. Washouts are required over 1.2 meters high and must be visible and clean from debris etc.
- **Framing (pre-wrap)-** This is a big inspection and all aspects of framing will be inspection including, framing sizes, treatment, structural grade, lintels, beams, point loads, general layout of bracing and uplift fixings. The truss plan must be available to check all roof framing details. If there are any concerns with regard to boundary proximity a height in relation to boundary surveyor's certificate may be required.
- **Post-wrap/ Cavity** – This inspection will check all weather tightness details including, building wrap used, cavity baton size, type, treatment & fixings, junctions, flashings, penetration protection etc.
- **Pre-line** – This inspection is the last to confirm the internal linings can be installed. Items inspected will include checking around the building to ensure it is weather tight, insulation, moisture content (this is usually 18 % due to plasterboard level finish 4). If the consent was for alterations or additions, sometimes this inspection is incorporated with the framing inspection.
- **Postline** – this inspection will check all bracing fixings as well as wet areas that have tile substrate. Please ensure whatever substrate is used that the fixings details specified have been followed.
- **Membrane (internal)** – This inspection will check the pre tiling waterproofing system used, coverage, bond breaker tape, penetration protection including waste protection.
- **Membrane (external)** – this inspection is regarded as high risk and items checked will be consented system, installers certification documentation, good coverage & clean, joints well sealed including penetrations, drainage that is required at base etc.
- **Plumbing & drainage in general** – these inspections include preline plumbing, underslab plumbing (see above), The similarities of these are with regard and include, primer used on all joints, test for leaks (water or air test), pipe sizes, good bedding (usually gap 7 or sand – refer to consent) and laid straight with correct gradient.
- **Final inspection** – This inspection is a gathering up of all required documentation, checking all previous inspections are passed, ground levels, cladding sealed and painted, driveways formed with correct fall to cess pits, wastewater systems installed as per consent, gutters, downpipes, cladding penetrations sealed; internal layout as per consent, all plumbing fixtures trapped, fixture to wall seals, shower not leaking, smoke alarms in correct positions etc.

## Inspections by Others

Sometimes it is necessary for specialists to conduct inspections in addition to the inspections carried out by Council. If a specialist inspection is necessary these will normally be identified on either the Conditions of Consent, Advice notes or Endorsements attached to your Building Consent.

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. Inspectors will require specific

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site notes by the professional at the time of the inspection. If these are not available at the time of inspection a block on further inspections will be placed and you must provide the required documentation to Council before the block is removed. Whether the inspection at the time can proceed is at the discretion of the inspector. A Producer Statement Construction Review (PS4) will be required from above-mentioned engineers before Code Compliance Certificate can be issued.

Please ensure you read inspection requirements as well as associated conditions and are familiar with them before commencing work.

## How do I book an Inspection?

Building inspections are booked through the Customer Services Team on 0800 727 059 (do not contact the building inspector directly).

Inspections are undertaken by appointment only.

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

- Building Consent number;
- site address;
- name and telephone number of contact person onsite;
- date and time the inspection is required (am/pm); and
- type of inspection i.e. plumbing, drainage, foundation, pre-slab, pre-line etcetera.
- Licensed Building Practitioner (LBP) details for any applicable Restricted Building Work (RBW)

## Building Inspection times in Kaipara

*Note: approx. 75-80% of building work is done in the Eastern area (i.e. Mangawhai). For this reason, the BCA has had to allocate RMAs accordingly with limited days for Central and Western areas. To alleviate this inconvenience, we have made a rule that the 48-hour notice does not apply to Central and Western areas. Inspections may be booked right up till 3 pm the day before.*

- Eastern (Mangawhai) – 5 days per week with 48 hours' notice required
- Central, and Western area (including Dargaville) – 4 days per week (Mon-Thu) with bookings taken up to 3.00pm the day before

\* Note: All work for inspection must be ready by 08.00am on the day of inspection.

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

For an inspection to take place the approved Building Consent documentation is required to be onsite as this is used as a means of verification of construction against the consented documents.

**Please note:** *If the inspector arrives onsite and the documentation is not available, he will not undertake the inspection. We may, however, charge you for our visit. Please remember therefore that it is your responsibility to ensure the inspection is cancelled the day before if the building work will not be ready for inspection.*

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At the conclusion of each inspection the outcome will be recorded on the inspection report, completed and emailed to the applicant's nominated recipient address.

If a copy of the inspection report is desired by any site personnel, the applicant must be contacted by the site personnel for this as the inspector is unable to add a new recipient to the email.

If the consent was issued prior to May 2014, triplicate Field Advice Notices will be used with one copy left onsite showing the checklist, result and any further requirements.

For consents lodged after 01 May 2014 the inspections completed will be recorded and available to the applicant through the Objective Build system. The result and any further requirements will be emailed to the applicant/agent.

### **What if the inspection has not been approved?**

If an inspection is failed, this could be due to either the work was not completed in accordance with the approved consent or that the work was not completed to a satisfactory stage to be inspected. The work to be rectified will be recorded on the inspection report under 'Formal Directive.'

The inspection report issued for failed inspections should clearly identify what has failed and precisely what is required to rectify the work.

In most cases another inspection will be required to re-inspect the work and the inspection report will state either 'a re-inspection is required' or 'no re-inspection is required'.

The inspection report will contain all the information you need to know. Should anything be unclear please feel free to call Customer Services and log a request for clarification. A building inspector will review the inspection report and contact you back within 48 hrs to clarify.

All failed inspections must be resolved before further building work relating to the failed result can continue. An agreement for 'conditional continuation of work' can be established for building work that is not related to or impacted by the failed result. No further inspections relevant to the failed area can be booked until the identified problems are resolved

*Please note: Re-inspections may be charged for.*

If the work is not remedied to the satisfaction of the Building Inspector, it is likely that a Notice to Fix will be issued.

### **What is a Notice to Fix?**

A notice to fix is a statutory notice requiring a person to remedy a breach of the Building Act 2004 or regulations under that Act. A notice to fix can be issued for all breaches of the Act, not just for building work.

Where building work has been done under a current building consent, and a notice to fix requires remedial work to be completed, it will describe the work to be carried out.

For example:

- certain work is to be remedied
- the specified person is to consult with a qualified person (for example, an engineer)

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- the specified person is to apply for an amendment to the building consent detailing the design changes provided by the consulting engineer
- no remedial work is to be undertaken until the building consent is granted.

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.

If any building work has been undertaken without a consent, for which one was required, a NTF will be issued, and the work must cease with the exception of when the site or work needs to be made safe.

Enforcement of Notices to Fix is undertaken by the Territorial Authority (Council). For more detailed information regarding Notices to Fix please refer to MBIE link: [Issuing notices to fix | Building Performance](#)

## What is a Lapsed consent?

If a building consent lapses, it is of no effect if the building work to which it relates does not commence within

- 12 months after the date of issue of the building consent; or
- Any further period that the building consent authority may allow.

KDC will only consider an extension of time prior to any lapsing of a building consent.

Applicants will be sent warning letters at least 1 month prior to any decision to lapse a consent.

A consent that has lapsed will not be considered for an extension of time. If you wanted to pursue the project you would need to reapply for another Building Consent.

## What is a Code Compliance Certificate (CCC)?

A code compliance certificate (CCC) (also referred to as Form 7) is a formal statement issued under section 95 of the Building Act 2004, that building work carried out under a building consent complies with that building consent and the building code.

A code compliance certificate gives you and future owners an assurance that the building work was done to the appropriate standards, making it safe, healthy and durable.

## How do I apply for a code compliance certificate (CCC)?

The owner is responsible for applying for a CCC when all work has been completed. A CCC needs to be applied for [online](#) using the same system as the building consent application and referencing the building consent number assigned by the Building Consent Authority. If you are unable to apply online and need assistance with a hard copy application form, please contact one of our team members at Kaipara District Council who will be able to assist you on ph: 0800 727 059 or [buildingsupport@kaipara.govt.nz](mailto:buildingsupport@kaipara.govt.nz). The code compliance certificate application may be referenced as Form 6.

A CCC is issued when the BCA is satisfied on reasonable grounds that the completed building work complies with the building consent and building code.

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The cost of a code compliance certificate is included in the original cost of the building consent application, as referenced under Council's [fees and charges](#) which are featured on our website.

If the building has specified systems such as fire alarms, sprinklers and elevators that have been added, altered, or removed as part of the building consent, the compliance schedule will be issued with the CCC.

When you apply for a CCC you must attach (if applicable) supporting documents listed below:

- (a) Records of work (memoranda) from licensed building practitioner(s) for restricted building work they carried out or supervised.
- (b) Producer statements - PS4 (construction review).
- (c) Certificates relating to energy work (if nominated as part of the consent) e.g. gas and electrical certificates.
- (d) Completed specified system forms.
- (e) Evidence that specified systems are capable of performing to the performance standards set out in the building consent.

## ***Processing and issuing a code compliance certificate***

Council is required under the statutory timeframe to decide whether to issue or to refuse to issue a Code Compliance Certificate within 20 working days.

During processing the time clock will be stopped if we have a request for further information. You will be notified in writing of the required information. The time clock starts again on receipt of all the required information. The CCC will be issued once the BCA is satisfied on reasonable grounds that the building work complies with the building consent and building code.

The Building Consent Authority will consider, in accordance with [Section 94](#) of the Building Act 2004, the following matters when deciding to issue code compliance certificate (CCC);

- (a) the building work complies with the building consent; and
- (b) that,
  - (i) in a case where a compliance schedule is required as a result of the building work, the specified systems in the building are capable of performing to the performance standards set out in the building consent; or
  - (ii) in a case where an amendment to an existing compliance schedule is required as a result of the building work, the specified systems that are being altered in, or added to, the building in the course of the building work are capable of performing to the performance standards set out in the building consent.

In deciding whether to issue a code compliance certificate, a building consent authority must have regard to whether a building method or product to which a current warning or ban under [section 26\(2\)](#) relates has, or may have, been used or applied in the building work to which the certificate would relate.

If the owner fails to provide the building consent authority with an energy work certificate in relation to energy work in respect of which a building consent has been granted, the failure is a sufficient reason for the building consent authority to refuse to issue a code compliance certificate in respect of the energy work.

Code compliance certificates are issued to the person nominated on the CCC application form.

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**CCC may be refused if:**

- a. the work is not complete, or
- b. we do not have adequate evidence that the building work complies with your building consent, or
- c. if energy works certificate(s) are not supplied, or,
- d. producer statements as identified on the building consent or through construction have not been provided, or
- e. Development Contributions are outstanding or other fees.

The building officer undertaking the final inspection will talk through the process with you and give you advice on what you need to do.

**What are reasonable grounds?**

The BCA carries out an assessment on site at the final inspection and inspects the building to ensure it has been completed to the extent specified in the building consent. The inspector will check that all previous inspections have been passed. Any documentation that the BCA requires to assist in making a decision whether to issue CCC must be provided. This will include any Energy certificates, LBP records or work, producer statements, as-built drainage plans etc. Commercial applications with specified systems will require certification documents that confirm these systems are working. Please refer to the consent conditions and advice notes.

**Two-year decision limit**

If an application for a CCC has not been made within two years of the date that the building consent was granted, or any further period agreed, the BCA must make a decision whether to issue or refuse to issue the CCC.

If you are unable to request a Code Compliance Certificate (CCC) two years after the grant date of the building consent, an extension of time request to commence/ complete the building work should be made to the BCA.

The Building Act provides for a CCC to be issued despite an owner’s failure to apply (section 93(2)(b)) and places an obligation on the BCA to make this decision. When deciding whether to issue, or refuse to issue, a CCC where no application for a CCC has been made within two years of granting the consent, the BCA will consider whether the building work complies with the building consent (along with the other matters set out in section 94) based on the information available to the BCA.

***What is a refused Code Compliance Certificate?***

A building consent authority must decide whether to issue a code compliance certificate for building work to which a building consent relates within—

- (a) 20 working days after the date specified in subsection (2); or
- (b) any further period after the date specified in subsection (2) that may be agreed between the owner and the building consent authority concerned.

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A building consent authority may, within the period specified in subsection (1), require further reasonable information in respect of the application for a code compliance certificate, and, if it does so, the period is suspended until it receives the information.

If a BCA decides to refuse to issue a code compliance certificate, it must give you written notice of the refusal and reason why.

For a detailed explanation of the Code Compliance Certification process please refer to MBIE link below:

[Issuing code compliance certificates \(CCC\) | Building Performance](#)

## **What about issuing Code Compliance Certificates for Building Consents issued under the 1991 Act or that have not been issued by Council?**

Providing Council are satisfied the building work has been constructed to comply with the Building Code in place at the time of construction and has continued to meet the provisions of the Building Code, a Code Compliance Certificate may be considered.

If Council cannot be satisfied on reasonable grounds, a Code Compliance Certificate may be refused.

*Should Council refuse to issue a Code Compliance Certificate and you consider that this is not justified then you may wish to approach the Ministry of Business Innovation and Employment ([MBIE](#)) and obtain a Determination.*

## **What is a Determination?**

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

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

### **Applying for a Determination**

Applications for [Determination](#) and the associated cost may be found on the ([MBIE](#)) website.

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

The MBIE is required to issue the final Determination within 60 working days of receiving the application, or longer if agreed to by the parties.

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

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## ***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 cannot require you to carry out building work related to the Determination unless the MBIE agrees this is necessary.

## **Consumer rights and remedies in relation to residential building work – Section 362A – 362V (Contracts)**

The building act contains certain consumer protection provisions relating to contractual obligations required of the building contractor. These provisions include implied warranties, remedies for breach, defects, and offences. Please refer to section 362A – 362V of the Act link below:

<http://legislation.govt.nz/act/public/2004/0072/latest/DLM306036.html#DLM6371120>

## **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 cannot be used or 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).

You'll need to apply for a Certificate for Public Use if:

- a. you want to occupy all or part of a building that's open to or used by members of the public
- b. the area intended to be occupied is still affected by building work
- c. you have a building consent for the work (granted since 31 March 2005) but no Code Compliance Certificate has been issued.

The Certificate for Public Use states that premises or parts of premises affected by building work are safe to be used by members of the public.

**Note you must still apply for a Code Compliance Certificate when all the building work done under the building consent has been completed.**

The fee for a Certificate for Public Use lodgement is available under 'Fees and Charges' on Council's website.

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:

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

## What is a Compliance Schedule?

Building owners and managers of commercial industrial or communal (public use) buildings are responsible, under the Building Act 2004, to have and maintain a compliance schedule and building warrant of fitness.

As a legislative requirement, the Building Act 2004 (the Act) outlines Council's responsibilities with enforcing the provisions of the Act and promoting and protecting the public's health and safety. Council's role is to educate, monitor and work with building owners, managers and independent qualified persons (IQPs) to ensure the purposes and principles of the Act are achieved.

### Section 7

Plans and specifications means the drawings, specifications, and other personal documents according to which a building is proposed to be constructed, altered, demolished or removed; and includes the:

- specified systems that the application for building consent considers will be required to be included in the compliance schedule under section 100; and
- the proposed procedures for inspection and routine maintenance for the purposes of the compliance schedule for those specified systems

### Section 45.1 (g)

An application for a building consent must be accompanied by either one of the following:

- if a compliance schedule is required as a result of the building work, a list of all specified systems for the building; or
- if an amendment to an existing compliance schedule is required as a result of the building work, a list of all specified systems that are being:
  - altered in the course of the building work
  - added to the building in the course of the building work
  - removed from the building in the course of the building work

### Section 51.1(c and d)

A building consent or an amendment to a building consent, must state:

- the specified systems that are covered by the compliance schedule, and
- the performance standards for the specified systems that are required by the Building Code

A Compliance Schedule is a document containing an inventory or list, which is issued by the BCA for buildings that contain specified systems, and states the performance standards which must be met:

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- inspection, testing, maintenance and reporting procedures
- the frequency of inspections, and
- who should perform those inspections

Specified systems include:

Specified Systems	
1	Automatic systems for fire suppression
1.1	Sprinkler system
1.2	Gas and foam flood or deluge systems: dry and wet fire extinguishing systems
2	Automatic or manual emergency warning systems for fire or other dangers
2.1	Manual and automatic fire alarms: smoke /heat detectors: gas: radiation systems
2.2	Automatic gas leak detection systems for the detection and measurement of combustible gases
3	Electromagnetic or automatic doors or windows
3.1	Automatic doors e.g., sliding or revolving doors (Are any of the doors interfaced with emergency warning systems?)
3.2	Access controlled doors (swipe card, keypad, sensor-delayed egress, etc
3.3	Interfaced fire or smoke door or windows (electromagnetic door holders)
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, travellers, or other systems for moving people or goods within a building
8.1	Passenger carrying lifts
8.2	Goods or service lifts
8.3	Escalators and moving walks
9	Mechanical ventilation or air conditioning systems
10	Building maintenance units or other devices providing access to the interior / exterior of a building
11	Laboratory fume cupboards
12	Audio loops or other assistive listening systems
12.1	Audio loop
12.2	FM radio frequency systems and infrared beam transmission
13	Smoke control systems <i>Refer to section 3.7 of this document for additional information on smoke control systems.</i>
13.1	Mechanical smoke control systems
13.2	Natural smoke control systems
13.3	Smoke curtains

Specified Systems	
14	Emergency power systems for, or signs relating to, a system or feature in any of the specified systems 1–13
14.1	Emergency power systems installed for the purpose of supplying power to any of specified systems 1–13
14.2	Signs for all systems
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:
15a	System for communicating spoken information intended to facilitate evacuation
15b	Final exits
15c	Fire separation
15d	Signs for communicating information intended to facilitate evacuation: and such signs as required by: <ul style="list-style-type: none"> <li>• NZBC (all systems);and,</li> <li>• S.120 of the Act</li> </ul>
15e	Smoke separation
16	Cable cars

Detailed information regarding specified systems can be located on MBIE's Building Performance website

<https://www.building.govt.nz/building-code-compliance/building-code-and-handbooks/compliance-schedule-handbook/>

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

For the first 12 months of the period of the compliance schedule, the building owner or manager must ensure the compliance schedule is displayed publicly in the building so that the users of the building (including building officers, Independent Qualified Persons (IQPs), and authorised agents) can have access to it, along with the Compliance Schedule Statement.

## What is a Compliance Schedule Statement?

A Compliance Schedule Statement is issued at the same time as the Code Compliance Certificate by the BCA and lists the specified systems within the building. It must be replaced in 12 months with a Building Warrant of Fitness (BWOFF), which is issued by the building owner to the Territorial Authority

## What is a Performance Standard?

The level of performance a specified system is intended to meet, and continue to meet, at the time it was designed and installed in a building.

Compliance with the Building Code is normally achieved by referring to an acceptable solution or a verification method. For example, the performance standard for sprinkler systems is NZS 4541:2013. This standard specifies what the maintenance, inspection and reporting regime is for sprinkler systems.

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## 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 if a new building has one or more specified systems. If an existing building has a Compliance Schedule and if during alteration an existing specified system is removed or new systems are installed, then the Compliance Schedule will be amended and a copy of this will be issued with the Code Compliance Certificate.

## Making an amendment to a Compliance Schedule

If you think you need to make changes to your Compliance Schedule, please complete an Application for Amendment of Compliance Schedule form (Form 11) and forward it to us at [council@kaipara.govt.nz](mailto:council@kaipara.govt.nz)

A copy of 30, (11) can be found on our website at [Kaipara District Council A-Z Forms](#) under the sub-heading of "Building".

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

Your designer should provide you with information relating to the performance standards for each specified system contained within the building at the time of application for a Building Consent. These performance standards are required to identify the inspection, maintenance and reporting procedures required for each system.

## Can I be prosecuted for not obtaining a Compliance Schedule or if my Building Warrant of Fitness has expired?

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

Building owners (and their agents) are responsible for meeting the requirements of the Building Act in relation to building warrants of fitness, compliance schedules and related matters. For further information, please refer to MBIE's website [Managing Buildings](#).

## Additional Information

Additional information is available on MBIE's website including:

- Owner's responsibilities to ensure buildings are safe to use: (<https://www.building.govt.nz/managing-buildings/managing-your-bwof/owner-responsibilities-about-bwofs-and-compliance-schedules/>)
- Managing your BWoF (for Buildings with Specified Systems): <https://www.building.govt.nz/managing-buildings/managing-your-bwof/>

## What is a Building Warrant of Fitness (BWOF)?

A BWOF (Form 12) is a statement issued by the building owner to Council stating that the requirements of the Compliance Schedule have been fully met.

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The BWOF must have attached to it all Certificates of Compliance issued by the IQP or 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 BWOF must be re-issued to Council on the anniversary of the issue of the Compliance Schedule (every 12 months) for the life of the building.

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

You are legally required to obtain written reports relating to the inspection, maintenance and reporting procedures of the Compliance Schedule. These should be signed by the IQP who has carried out any of the listed procedures, (inspection, maintenance or reporting).

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

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

An IQP who is recognised by Council as qualified to carry out any performance inspection, maintenance, reporting or recommendation on a specified system. Please refer to [www.kaipara.govt.nz](http://www.kaipara.govt.nz) for current IQP information.

## ***Licensed Building Practitioner (LBP)***

The Licensed Building Practitioner scheme was introduced in 2007 through the Building Act 2004 and came into force on the 1<sup>st</sup> of March 2012. Approval and registration of LBPs are maintained by the Ministry of Business Innovation and Employment. A register is maintained in accordance with the Act to help the public:

- determine if a person is qualified;
- choose an appropriate LBP; and
- identify which LBPs have been disciplined within the last 3 years.

MBIE website New Link: [Public Register Search](#)

# **Complaints**

What happens if I am unhappy about any decision made by the BCA?

A customer has a right to appeal or to complain about any building control function the BCA undertakes, have this heard and resolved.

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

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

- meeting statutory timeframes;

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- lodgement or vetting of Building Consent applications;
- processing of Building Consent applications;
- inspection of work under construction;
- issuing of a Notice to Fix;
- issuing of Code Compliance Certificates;
- issuing Compliance Schedules;
- failure to provide appropriate information or advice;
- Fees and Charges; and
- failure to meet legislative or Building Code requirements.

## How do I make a complaint?

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

*Complaints or Appeals should be addressed to:*

Quality Assurance Manager

Kaipara District Council

Unit 6

6 Molesworth Drive **Mangawhai 0505**

## What information is required?

1. date incident occurred
2. nature of complaint (vetting, lodgement, inspection, Notice to Fix, Code Compliance Certificate or Compliance Schedule)
3. copies of any supporting information (if applicable)
4. relationship (customer, regulator or stakeholder) • name and contact details.

## How long does it take?

All written complainants will be responded to within three (3) working days of receiving 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.

## Do I have a Right of Appeal?

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

## What else can I do?

If you are still unhappy or choose to use an alternative route to settle a matter of doubt or dispute you may apply to the MBIE for a Determination. Visit [MBIE](#) for further information on this service.

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## Continuous Improvement

Your feedback is important to the BCA and we welcome your suggestions for system improvements that we may be able to consider as areas of opportunity. Feedback can be received in writing i.e. email, letter et, or you may wish to register your feedback via the council's online portal [SAY IT](#), which can be accessed from the council's website Home page.

## Dams

Contact Northland Regional Council for all building consent information relating to all dams, small and large. ([www.nrc.govt.nz](http://www.nrc.govt.nz))

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## Forms and Checklists

The following information relates to the various Forms and Checklists that make up the building consent application process;

- a. **Form 2** – There are several options including;
  - i. Residential PIM / Building Consent Application Checklist
  - ii. Commercial - Industrial Checklist
  - iii. Wastewater Building Consent Application Checklist
  - iv. Solid Fuel Building Consent Application Checklist

These are all part of our online building consent system, Objective Build.

- b. **Form 5 - Building Consent (Section 51)**: This is part of our online building consent system, Objective Build.
- c. **Form 6 - Application for Code Compliance Certificate**: This is part of our online building consent system, Objective Build.
- d. Application for extension of time to commence or complete building work: This is referred to under section 52 and section 93 of the Building Act 2004.

You can reference a number of Forms and Checklists through the following means;

- KDC's website by accessing "[A-Z Services](#)" and referencing "[Forms A-Z](#)", or by referencing [Building Guidance Consents](#)

If you have any queries regarding the building consent application process, please contact one of our team members at Kaipara District Council on ph: 0800 727 059 or [council@kaipara.govt.nz](mailto:council@kaipara.govt.nz)

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