



**Opōtiki District Council**

STRONG COMMUNITY STRONG FUTURE

# A General Guide to the Building Consent Process



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# BUILDING LEGISLATION

## 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 that 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
- buildings are designed, constructed, and able to be used in ways that promote sustainable development.

To achieve this purpose, the Act requires anyone proposing to do 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).

## WHAT IS A BUILDING CONSENT?

A building consent is the formal approval issued by a BCA stating that certain works, if properly constructed in accordance with the plans and specification, will comply with the requirements of the Building Act, Building Regulations and the 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 Schedule 1 of the Act.

## 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) provides guidance on whether a building consent is needed on their website at: <https://www.building.govt.nz/assets/Uplodads/projects-and-consents/building-work-consent-notrequired-guidance.pdf>.

## BUILDING ON LAND THAT IS 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 it 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 fees), or no additional action could be necessary. Council will discuss with you the refusal or notification process if this relates to your consent.

## WHAT IS RESTRICTED BUILDING WORK AND WHO ARE LICENSED BUILDING PRACTITIONERS?

Restricted building work must be completed by or supervised by, a licensed building practitioner (LBP). LBPs are licensed by MBIE. Restricted building work applies to, but is not limited to:

- Foundations
- Framing
- Roofing
- Cladding
- Active fire safety systems in small-medium sized apartment buildings.

LBPs include, but are not limited to:

- Designers
- Carpenters
- Roofers
- External Plasterers
- Bricklayers
- Block layer.

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 LBPs.

Restricted work is work on homes and small-medium sized apartment buildings that is critical to the integrity of the building.

An exemption is available to owner-builders allowing them to carry out restricted building work on their own home and build their own home. Further information is available on MBIE's website at <https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/choosing-the-right-people-for-your-type-of-building-work/owner-builder-obligations/>.

Building consent applications will not be accepted unless they include a Memorandum – Certificate of Design Work from an LBP certifying that the design work complies with the Building Code. LBPs will also need to provide a Memorandum – Record of Building Work when the work has been completed.

### **WHAT IS A BUILDING CONSENT AUTHORITY?**

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

## **PROJECT INFORMATION MEMORANDUM**

A project information memorandum (PIM) is issued by a territorial authority under sections 32 to 35 of the Building Act 2004 and 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)
- presence of hazardous contaminants that 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 that relate to your proposed building work or are adjacent to your building site.

A PIM will include copies of other information that may have some design impact on your proposed building work like:

- Drainage plans
- Water supply plans
- Other utility plans
- Any other information that council holds that is relevant to your project.

A PIM also identifies any **additional approvals** required such as:

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

A PIM also includes confirmation, subject to other provisions of the Act, which you may carry out the building work subject to the requirements of the building consent and all other necessary authorisations being obtained.

It is important to note that a PIM does not give any form of approval under the District Plan or Building Act. **Contact Ōpōtiki District Council's planning department 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.

#### **MUST I APPLY FOR A PIM?**

No, PIMs are voluntary. They may be applied for separately or in combination with your building consent. Please note that in any event the application will be referred to planning and engineering, plumbing and/or drainage, for comment, where applicable.

#### **HOW TO APPLY FOR A PIM**

An application for a PIM can be made on the Form 2 Project Information Memorandum/Building Consent application form, available from Ōpōtiki District Council's website at [www.odc.govt.nz](http://www.odc.govt.nz). This form must be completed in full, signed and dated before being submitted.

Applications can also be received through the **online** portal. It will begin its 20 working days statutory processing time frame from the day it is submitted and fees will be invoiced once the application has been processed. The unique building consent number will be created when the application is accepted.

#### **DOCUMENTATION REQUIRED**

All applications must be accompanied by two copies of:

- site plans
- floor plan
- building elevations
- site access
- drainage plan.

#### **HOW LONG DOES A PIM TAKE?**

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

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.

#### **CHANGE OF USE, EXTENSION OF LIFE AND SUBDIVISIONS**

If you intend to change the use of the building, extend the life, or subdivide, you may need to seek professional help with the application or speak to council about the information you need to supply.

# BUILDING CONSENT APPLICATION

## HOW DO I APPLY FOR BUILDING CONSENT?

1. You can apply by way of hard copy application. The forms can be found on the Ōpōtiki District Council's website at [www.odc.govt.nz](http://www.odc.govt.nz) <https://www.odc.govt.nz/our-services/building-consents-and-information/building-forms/Pages/default.aspx>, or collected from council's office at 108 St John Street, Ōpōtiki.

Note that each application form contains a self-check list, an NES form to be completed by the applicant, a note regarding AEP flood levels (where applicable), and a general information sheet.

The Building Consent application forms are titled:

- Form 2 **Minor** Application for Project Information Memorandum and/or Building Consent, s.33 or s.45 Building Act 2004
  - Form 2 **Simple** Application for Project Information Memorandum and/or Building Consent, s.33 or s.45 Building Act 2004
  - Form 2 **Residential** Application for Project Information Memorandum and/or Building Consent, s.33 or s.45 Building Act 2004
  - Form 2 **Multi Residential Commercial Industrial** Application for Project Information Memorandum and/or Building Consent, s.33 or s.45 Building Act 2004
2. You can also apply "**on line**" by going to the Ōpōtiki District Council website. You can also use the following link: <https://www.odc.govt.nz/our-services/building-consents-and-information/building-forms/Pages/default.aspx>. Just follow the instructions that have been provided in that portal.

## HOW AND WHERE DO I LODGE MY BUILDING APPLICATION?

Once you have gathered all the necessary information, you can either apply on line, by email, over the counter, mail or deliver it in person. You can go to the Ōpōtiki District Council office, 108 St John Street, Ōpōtiki, to lodge our application; or email to [infor@odc.govt.nz](mailto:infor@odc.govt.nz); or courier/mail to Ōpōtiki District Council offices, 108 St John Street, Ōpōtiki 3122.

If you wish to apply "On Line" please go to the Ōpōtiki District Council website, [www.odc.govt.nz](http://www.odc.govt.nz) and follow the prompts.

1. **Hardcopy** Application (email, over the counter, courier or mail)  
The application must be on the prescribed form and full fees paid when lodged. It will begin its 20 working days statutory processing time frame when the building consent application fees are paid in full and a unique building consent number created.
2. Applications received through the **online** portal  
It will begin its 20 working days statutory processing time frame from the day it is submitted and fees will be invoiced once the application has been processed. The unique building consent number will be created when the application is accepted.

## **HOW WILL I KNOW MY APPLICATION HAS BEEN ACCEPTED OR REFUSED?**

All applications received are checked for completeness using a check sheet to receive or return the application. For an application to be received and accepted the following information is required:

- Stating if building consent and/or PIM application
- Contact details of owner / agent
- Location details (including legal description)
- A description of the nature of the building work, including the plans and specifications
- Whether the work is restricted building work and if so a Form 2A Memorandum of Works (Certificate of Design) is present
- Evidence of ownership
- Schedule 5 (where applicable)
- PS1 (where applicable)

A letter acknowledging receipt and acceptance will be sent to the applicant, or if refused detailing reasons why it has been returned.

## **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 is suspended and not restarted until all the requested information is provided and accepted.

## **CONSENT PROCESSING**

### **HOW IS MY APPLICATION PROCESSED?**

1. For hard copy building consent applications, the fees must be paid at time of lodging the application. A unique building consent number is created and the 20-working day time clock begins.
2. For "on line" building consent applications, the application is automatically received at time of submitting the application. Therefore, the 20-working day time clock begins.
3. The application is then allocated to the various disciplines within the BCA for processing, i.e. planning, engineering and building.

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.

5. Requests for additional information will generally be sent to the person responsible for the consent. Highlighting the area of drawings that have changed in response to a request for information may help speed up the processing of your consent
6. Once all disciplines involved in the process are compliant, a final check is made to ensure all work has been assessed correctly before the building consent is granted.



7. Other disciplines may include: Specified Systems, Natural Hazard (land), NZ Fire Service, s.112 Building Act 2004 proposed alterations to a public building, earthquake prone buildings, and producer statements.

#### **WHAT SORT OF INFORMATION DO I NEED?**

Building consent applications can be complex. We recommend that you engage a professional to help with the design work and drawings. It is important to ensure that the designer provides site and project specific documentation that clearly show Building Code compliance. Poor quality applications will delay your consent.

When applying for building consent, you need to include a letter from Bay of Plenty Regional Council (BOPRC) confirming the AEP flood level of the application site. A letter can be obtained free of charge by either phoning BOPRC on 0800 884 881 or emailing your name, the address of the property you are seeking an AEP for, and your phone number to [info@boprc.govt.nz](mailto:info@boprc.govt.nz). BOPRC will take up to 5 working days to provide you with the letter.

Each application must be accompanied by the information identified in the application pack which includes:

1. **Certificate of Title** – one copy – no older than three months old.  
**Where can I get a certificate of title?**  
Contact Land Information New Zealand on 0800 ONLINE/0800 665 463 or [www.linz.govt.nz](http://www.linz.govt.nz) to request a certificate of title. Alternatively, on payment of \$40, Council can obtain a copy on your behalf.
2. **Plans** – (one complete set and can be provided electronically)
  - 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. 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. 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. 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. 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. These are generally structural and weathertightness details to show how the critical elements of the building work are to be constructed.
3. **Specifications** (one complete set) – 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) – (one complete set)
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 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, BCAs and TAs will need information on the building's current level of compliance.

- 6 **Wall bracing layout** (if applicable) – (one set)
- 7
- 8 **Roof truss** (if applicable) – (one set) Manufacturer's Truss Design and producer statement
- 9 **E2 risk matrix** (demonstrating weathertightness features) – (one set)
- 10 **H1 analysis** (demonstrating insulation requirements) (one set)
- 11 **Fee**
- 12 **Information related to specified systems** and the compliance schedule.

#### **IS THERE OTHER INFORMATION THAT I MIGHT NEED?**

**New vehicle access:** any building that requires a new vehicle access must be approved. Contact the Council's Works and Services department on 07 315 3030 to discuss this. A detailed plan showing the location of the proposed access will need to be supplied with your application.

**RAPID number:** each new dwelling within the rural area is required to have a number at the gate like street numbers in town. This is essential and particularly helpful in emergencies.

#### **WHAT ABOUT A RESOURCE CONSENT?**

Some proposals require land use resource consent. If you are unsure whether your proposal requires resource consent, phone 07 315 3030 to discuss the details with the consents planner.

#### **INFORMATION REQUIRED FOR A HEATING APPLIANCE**

You must supply the make, model and year of manufacture and a copy of the manufacturer's installation instructions for the heating appliance. You must also supply a complete floor plan of the building indicating where the appliance is to be fitted and showing the location of smoke detectors. Also show evidence that the fireplace complies with the wood burner standards in the National Environmental Standards for Air Quality. Refer to the Ministry for the Environment's website for more information: [www.mfe.govt.nz](http://www.mfe.govt.nz).

#### **EXTERNAL PARTIES**

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

In some cases, the BCA may send applications externally for review, for engineering or fire peer review. When busy, the BCA may also send consents to external contractors to process.

## **THE BUILDING CONSENT IS APPROVED**

The granting of the consent shows that the BCA is satisfied on reasonable grounds that the project will comply with the Building Act, Building Code and Regulations if constructed in accordance with the approved plans. The consented plans and documentation will be forwarded to the nominated person on the application form.

## **WHAT ARE BUILDING CONSENT CONDITIONS?**

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

## **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.

## **APPLICATION REFUSED**

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

## **ON LINE APPLICATION BUILDING CONSENT APPROVAL**

For an on line application an invoice will be generated at time of approval. An email will be sent to the agent/applicant advising application approved and to go in to the portal to collect the invoice.

## **BUILDING CONSENT IS ISSUED**

Once the building consent is approved, and all building consent fees have been paid, the consent is **issued**. Work cannot start until the building consent has been **issued**.

## **HOW MUCH WILL MY BUILDING CONSENT COST?**

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

- levies payable to MBIE (payable on all applications with a project value of \$20,444 or more) (Building Levy Order GST inclusive)
- levies payable to BRANZ (payable on all applications with a project value of \$20,000 or more)
- time spent processing the application
- inspections (type and number vary depending on application)
- issue of CCC
- issue of compliance schedule (if applicable)
- bond payments for vehicle entrance, road street and footpath infrastructure, vehicle crossing
- water meter connection, sewer or storm water (if applicable).

A schedule of fees is available from our website at [www.odc.govt.nz](http://www.odc.govt.nz) or can be collected from Council's main office at 108 St John Street. Fees can be paid at the office or by internet banking (go to "pay it" on our website at [www.odc.govt.nz](http://www.odc.govt.nz)). **Fees can also be paid "on line"**. For hard copy applications the fees will be calculated at the time the application is received and all fees are required to be paid with the application. A cancellation fee may apply if you withdraw your application. For on line applications the fee is calculated and invoiced at time of granting.,

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

#### **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. Go to [www.branz.co.nz](http://www.branz.co.nz) for further information.

#### **WHO IS THE MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT (MBIE)?**

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

#### **HOW LONG IS MY BUILDING CONSENT VALID FOR?**

Section 52 of the Building Act states that a building consent lapses and is of no effect if the building work to which it relates does not commence within 12 months after the date of issue of the building consent. This means that you will need to apply for a new consent.

If a code compliance certificate (CCC) application has not been made by the two years after the date on which the building consent for the building work was granted, the BCA is required to decide on whether to issue a CCC.

In either case, the BCA will try to contact you to remind you of these provisions. If the project has been delayed, you may apply for an extension to this time.

#### **CAN I CHANGE MY PLANS LATER?**

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 been built. Changing the details of the original consent drawings can be completed in two ways via either a major or minor amendment. If you have made changes without approval, the BCA may stop your job until the changes are resolved.

#### **AMENDMENTS**

Major amendments are those where work is outside the scope of the original consent, for example additional footprint or increases in floor area, construction method, and significant changes to layout. An amendment form is required to be completed and fees payable.

#### **MINOR VARIATIONS**

Minor variations are changes that do not usually affect compliance with the Building Code, for example changes to types of taps, the position of kitchen joinery, and non-structural walls or doors. You may 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 may be a cost involved in approving the minor variation.

## THE INSPECTION PROCESS

### WHEN CAN WORK BEGIN?

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

### 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 copy of list of inspections attached to your building consent. Typical inspections may include but are not limited to foundations, concrete masonry, concrete floor slab, pre-cladding, cladding, pool fencing, wet area membranes and fireplaces, pre-line building and plumbing, post-lining, drainage and a final inspection.

In some cases, commercial finals will require two inspectors to undertake the inspection and review specified systems.

Non-standard 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 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.

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

### HOW DO I BOOK AN INSPECTION?

Building inspections are booked through the Building Administration Officer. Inspections are undertaken on Mondays, Tuesdays, Thursdays, and Fridays between 8.00 a.m. to 10.30 and 2.30 p.m. to 5.00 p.m. or on Wednesdays from 8.00 a.m. to 5.00 p.m. (excluding public holidays). Fixed time inspections are completed under special circumstances.

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

- type of inspection, i.e. plumbing, drainage, foundation, pre-slab, pre-line, etc.

**Note** it is your (or your builder's) responsibility to notify council a minimum of 24 hours before you require an inspection.

#### **HOW DO I KNOW IF THE INSPECTION HAS BEEN PASSED?**

At the end of all inspections, the outcome is recorded on the site inspection sheet and emailed to the nominated person. It is recommended that the owner or an agent is available on site for all inspections to ensure they are clear on the outcome and that approved plans are also on site.

**NOTE NO PLANS AND DOCUMENTATION ON SITE = NO INSPECTION.**

#### **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.

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.

Re-inspections may incur additional charges.

#### **WHAT IS A NOTICE TO FIX (NTF)?**

An NTF is a formal notice issued by the BCA 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 achieve compliance.

#### **DO I NEED A FINAL INSPECTION – CODE COMPLIANCE CERTIFICATE APPLICATION**

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 timeframe on an owner to complete work, on the **two-year anniversary** of the granting of your consent, the **BCA is required to decide if a CCC can be issued or not**. If you cannot complete the work within this timeframe, it is essential that you contact us.

An owner must apply for a CCC once all the work described in their building consent is completed. To make an application, you must complete the prescribed Form 6, Application for Code Compliance Certificate providing details of who did the work and when the work was completed.

Once the 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 complies and required documentation is supplied, a CCC may 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. Where a specified system is to be installed/altered/removed as part of the Building Consent application or amendment building consent application, the BCO is to prepare the Compliance Schedule. At time of issue of the CCC, the Compliance Schedule is also issued.

# CODE COMPLIANCE CERTIFICATE

## WHAT IS A CODE COMPLIANCE CERTIFICATE (CCC)

A CCC is the final certification confirming that the BCA is satisfied on reasonable grounds that all works undertaken complies with the building consent. 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 levies or any other fees for additional inspections etc. are paid. Fees can be paid by internet banking or at council's office at 108 St John Street, Ōpōtiki.

## PRODUCER STATEMENTS

In some cases, the BCA may accept a producer statement from a suitably qualified person verifying compliance with the Code or consent.

A producer statement (expert opinion) for design (PS1) has, in the past, been accepted in the processing of a building consent that clearly identifies the intent of the design and construction details required for completion.

Some details of your building consent may be required to be peer reviewed by a Chartered Professional Engineer (CPEng). A producer statement (PS2 Design Review) will be required to be supplied from the CPEng.

Council can complete this process for you or you can elect to have the structural design reviewed by your own engineer. All costs are the responsibility of the owner.

Below are details for when a peer review is required:

- Simple designs to NZS3604 i.e. bracing, foundations do not need to be reviewed.
- Simple steel beams (with good connection details shown) do not need to be peer reviewed.
- Sheds with an importance level 1 and in a rural situation i.e. hay sheds do not need to be peer reviewed.
- A shed with an importance level 2 and to be used for residential dwellings do need to be peer reviewed.
- Complex designs outside the scope of NZS3604 and structural designs completed by an engineer that is not a CPEng, whether deemed simple designs or not, do need to be peer reviewed and a PS2 needs to be supplied with the building consent.

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 CPEng and has the correct competence to complete the review. Council will require evidence that the engineer is a CPEng and that their area of expertise is suitable to complete the review of your design. It is strongly recommended that you check with the building department to ensure the engineer you are using is sufficiently competent to review your design.

Go to <https://members.engineeringnz.org/search/search-register> to search the register of Chartered Professional Engineers or contact Engineering New Zealand on 04 473 9444.

Producer statements for design (PS1) also identify additional inspections required by the suitably qualified independent design professional that are to be carried out along with and including BCA inspection requirements.

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 CCC. It must state that the building 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.

## **MULTI-PROOF APPROVALS**

A national multiple-use approval (known as a MultiProof) is a statement by MBIE that a set of plans and specifications for a building complies with the Building Code.

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 Days to issue a MultiProof consent.

## **COMMERCIAL AND INDUSTRIAL PROPERTIES**

### **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 CCC is issued.

In certain circumstances, it may be possible to apply for a Certificate for Public Use (CPU) that will allow a building or part of a building to be used before the CCC is issued. Each application will be considered on a case-by-case basis.

### **WHAT ARE PUBLIC PREMISES?**

A public premise is any building that is open to the public whether free of charge or by payment of a charge, including shopping malls, cinemas, marae, camping grounds, garages and workshops, funeral homes, office and retail complexes, and rest homes etc.

### **WHAT IS A COMPLIANCE SCHEDULE?**

A compliance schedule is a document issued by the Territorial Authority for buildings that contain specified systems. Specified systems include:

- automatic systems for fire suppression
- automatic or manual emergency warning systems for fire or other dangers
- cable cars (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, signs)
- emergency power systems for, or signs relating to, a system or feature specified for any of the above
- 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 must be kept on site and made available to building officers, independent qualified persons (IQPs) and authorised agents.

#### **WHAT IS A COMPLIANCE SCHEDULE STATEMENT?**

A compliance schedule statement is issued by the BCA and serves as temporary notification of compliance schedule requirements. It will list the inspection, maintenance and reporting procedures necessary to keep the specified systems in good working order. It is issued at the same time as the CCC. It must be replaced in 12 months with a Building Warrant of Fitness (BWoF), which is issued by the building owner.

#### **HOW DO I OBTAIN A COMPLIANCE SCHEDULE?**

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

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

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 locations and/or layout.

#### **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.

#### **CAN I BE PROSECUTED FOR NOT OBTAINING A COMPLIANCE SCHEDULE OR IF MY BUILDING WARRANT OF FITNESS HAS EXPIRED?**

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

#### **WHAT IS A BUILDING WARRANT OF FITNESS (BWoF)?**

A 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 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, have been fully complied with during the previous twelve months.

#### **WHAT DOCUMENTS SHOULD I KEEP REGARDING THE 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, or licensed building practitioner who has carried out any of the listed procedures (inspection, maintenance or reporting).

You are required to keep all reports together with the compliance schedule for two years and produce those reports for inspection when required.

#### **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. All IQPs are required to be registered with Council.

## COMPLAINTS

### WHAT HAPPENS IF I AM UNHAPPY ABOUT ANY DECISION THE BUILDING CONSENT AUTHORITY HAS MADE?

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

### WHAT IS A BUILDING CONTROL FUNCTION?

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

- meeting statutory time frames
- 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 CCCs
- issuing compliance schedules
- failure to provide appropriate information or advice
- fees and charges
- failure to meet legislative or Building Code requirements.

### 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 Consents Authority  
PO Box 44  
Ōpōtiki

### WHAT INFORMATION IS REQUIRED?

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

### HOW LONG WILL IT TAKE FOR MY COMPLAINT TO BE ADDRESSED?

All complainants will be responded to within 72 hours 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 10 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  
Ōpōtiki District Council, PO Box 44, Ōpōtiki

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 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 MBIE where there is a matter of doubt or dispute or lay a complaint with MBIE regarding the building control function. Queries of this nature should be made to MBIE direct.

## DAMS

### REQUIREMENT TO SEEK A BUILDING CONSENT FOR A DAM

Dam means an artificial barrier and its appurtenant structures that:

- is constructed to hold back water or other fluid under constant pressure so as to form a reservoir
- is used for the storage, control, or diversion of water or other fluid
- retains three or more metres depth and holds 20,000 or more cubic meters volume, or water or other fluid.

A dam includes:

- a flood control dam
- a natural feature that has been significantly modified to function as a dam
- a canal

A dam does not include a stop bank designed to control floodwaters.

All dams that meet this criterion are required to obtain a building consent from Bay of Plenty Regional Council.

## Useful websites

### Organisation

Bay of Plenty Regional Council

BRANZ

Building Guide

Engineering New Zealand

Land Information New Zealand

Ministry for the Environment

Ministry of Business, Innovation, and Employment

New Zealand Fire Service

### Website

[www.boprc.govt.nz](http://www.boprc.govt.nz)

[www.branz.co.nz](http://www.branz.co.nz)

[www.buildingguide.co.nz](http://www.buildingguide.co.nz)

[www.engineeringnz.org](http://www.engineeringnz.org)

[www.linz.govt.nz](http://www.linz.govt.nz)

[www.mfe.govt.nz](http://www.mfe.govt.nz)

[www.building.govt.nz](http://www.building.govt.nz)

[www.fireandemergency.nz](http://www.fireandemergency.nz)