

building & consent news

KEEPING YOU INFORMED OF THE BUILDING AND CONSENTS PROCESS

Issue 03 February 2009

Consent processing time lines

Recent months have seen a major improvement in our time lines for processing consent applications. This improvement is due to a range of factors, including reduced number of consents being lodged, improved consent documents being submitted by the applicants, streamlining of Council processes and a Service Level Agreement with Kapiti Coast District Council to process consents on our behalf.

Whilst some consents have taken longer to process and grant than is desirable, in November 94 per cent and in December 99.5 per cent of applications were granted within 20 days. Our average processing time for the six months between 1 July 2008 and 31 December 2008 was 20.5 days. Our aim is to maintain this level of service.

Website developments

We are currently working on redesigning the Building page on Council's website to make it easier to use. The redevelopment will include quick links to information relevant to the industry, with information including:

- **Building Consents - everything you need to know**
- **Building Warrant of Fitness**
- **Fees and charges**
- **Swimming and spa pool information**
- **Industry newsletters**
- **Latest information**
- **Useful links to other agencies**

As this is a work in progress the current page on our website will be retained until the new webpage is complete.

Proposed restructure of fees and charges

We will be consulting with the public on proposed changes to our fees and charges as they apply to our Building Consent and Inspection process in April and May this year as part of Council's Long Term Council Community Plan process. Two of the proposed changes relate to shifting the current fixed rate charges for 'garages' to a time-based consent processing charge and increasing our hourly charge-out rate from \$90.00 to \$120.00 per hour.

Full details on these proposed changes will be available during the consultation phase of the LTCCP process.



Licensed Building Practitioners

Neil Gerrish of Buildcon Solutions, is conducting briefing seminars for those involved in the industry, with a seminar scheduled to be held on Wednesday, 4 March 2009 in the Freyberg Lounge, Levin Memorial Hall at 3.30 pm.

Details are available on their website www.buildcon.co.nz or phone 0800 329 581.

Specified Systems & Compliance Schedules - In plain English

Firstly what is a specified system?

Basically, a specified system is a system or fitting contained within a building that in some way ensures the safety of the building and the people who work in or visit it.

It can be as basic as an exit sign, as unseen as a firewall or as complicated as a state of the art sprinkler system.

The defined specified systems are listed in Schedule 1 of the Building Regulations 2005. This information is also available on the Horowhenua District Council website in the BWOFF information pack, www.horowhenua.govt.nz/Services/Building

Specified systems are an important feature because if they don't work properly people's lives can be at risk!

Here's a pretty sobering example:

Friday night and you head down to the local takeaway for an easy meal. You walk in through the auto-opening door (it's a posh one). You go up and order your meal and take a seat while you wait. All of a sudden there's a bang out the back of the shop and all the power goes out. 'No worries', you think. It must just be a blown fuse or something - until you see the flames flickering in the dark. You head for the door but it's electric and won't open. Unbeknown to you, the owner has never had it checked and probably doesn't even know that there's a battery built in to the unit to ensure it can open in an emergency.

I won't go into any more detail - it's a horrible scenario, but that illustrates how important it is that specified systems are identified and maintained.

What buildings are affected?

Any building containing a specified system if the building is not used solely as a house.

The only exception to this rule is a house with a cable car, which is a specified system.

How do you know if an issued Building Consent involves specified systems?

The issued Building Consent states:

A compliance schedule is required for the building.

The compliance schedule must contain the following specified systems and comply with the performance standards for those systems required by the building code: (all specified systems are then listed)



Where do the compliance requirements start?

At the design stage with new building work, which requires a specified system to be installed or altered to provide compliance with the Building Act 2004.

Whether the work involves a new building or alterations to an existing building, the building consent application requires the designer to identify any existing or new specified systems within the building and to provide detailed information about each system.

Horowhenua District Council's revised Building Consent Application Form now provides a list of the specified systems. You can select the systems relevant to the application along with an example of the details required.

All of the information submitted is checked and approved as part of the plans and

specifications. This information provides the contents of the compliance schedule, which is issued by Council.

What is a compliance schedule?

The compliance schedule is a legal document produced by Council.

It contains all the details of the systems and the maintenance requirements, i.e. who needs to check what and how often. It also includes floor plans showing where all the systems are located.

All of the information on a compliance schedule comes from the issued Building Consent.

Compliance Schedules are attached to the Code Compliance Certificate and generated at the same time.

So how does it affect you?

Designers: You need to ensure the Building Consent application includes all the information required about any existing or proposed specified system.

Tradesmen: You need to ensure that you identify if the building work involves specified systems and obtain all the relevant evidence (certificates, commissioning reports, etc.) that all specified systems are performing to the standard set out in the Building Consent **BEFORE** applying for Code Compliance Certificate.

Additional information is available in a number of different places. The Horowhenua District Council website www.horowhenua.govt.nz has a BWOFF information pack which is in printable format. The Department of Building & Housing website www.dbh.govt.nz is a good source of information for all building matters. The Building Act 2004 can be viewed on www.legislation.govt.nz - Sections 100 - 110 contain the clauses relating to compliance schedules, and, of course, you can give us a call or come in and discuss any matter with us at Council.

Timber piles

NZS 3604:1999 Timber Framed Buildings Clause 6.4.3.3 states "It is a requirement that all piles comply with NZS 3605 Timber Piles and Poles for use in Buildings and NZS 3604 Preservative treatment for Timber".

These standards state that "All piles must be treated to a minimum of H5" and "All cut faces of piles are to be treated and no cut faces are to be located closer than 150 mm to the finished ground level".

Anchor Piles

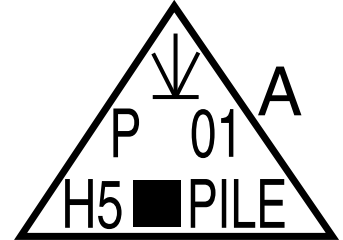
The requirement under NZS 3605 is that all anchor piles are fit for purpose. To prove this all anchor piles must be branded as per the standard (with the letter A adjacent to the ordinary pile brand).

The brand must be positioned within the top third of the pile and visible at time of inspection.

Horowhenua District Council inspectors will be checking that the correct piles are used. Contractors will be asked to replace any piles that are not correctly branded.

Further to the above, contractors are reminded that all fixings are to be either as required by NZS 3604 or Pryda/Mitek (if specified) and of the correct grade (i.e. SS, Galvanised with additional protection or galvanised only) to meet the durability requirements of NZBC clause B2.

Bearers are to be connected to ordinary piles using two wire dogs and two skew nails. It



has been noted in several instances that the skew nails have been omitted. It is important these nails are placed as they provide lateral restraint under earthquake loading.

For more information, go to:
<http://www.dbh.govt.nz/userfiles/file/publications/whrs/pdf/timber-treatment.pdf>

Building Act Infringement Notices

As you may be aware, the Building (Infringements Offences, Fees and Forms) Regulations 2007 gave all Council's the option of issuing infringement notices to any person who commits an offence by not complying with certain provisions of the Building Act 2004. These regulations came into force on 1 July 2008, and the infringement regulations were adopted by Council on 5 November 2008.

The infringement offences are based on specific existing building offences with the fee set by Government. The fees range from \$250.00 to \$2000.00.

Some examples of offences are:

- Failure to obtain a Compliance Schedule
- Failing to comply with the requirement that building work must be carried out in accordance with a building consent
- Failure to display a Building Warrant of Fitness
- Using a public building that has no consent, or Code of Compliance Certificate, or Certificate for Public Use.

The use of infringement notices is intended as a means of encouraging compliance with the Building Act and to reduce persistent re-offending. Obviously there may be occasions where it is more appropriate to initiate a Court prosecution instead of using the infringement process.

The following is a summary of points that will be considered before deciding to issue an infringement notice:

- Notices will be served on a no-surprise basis, i.e. offenders will have generally had good warning that an infringement notice could be issued
- Natural justice will apply, everyone has the right to tell their side of the story, so fairness and discretion based on circumstances and scale of offending will apply
- Policy and procedures will be followed by officers at all times
- All decisions around the issuing, or not, of an infringement notice will be fully documented and recorded to include the circumstances of what has occurred, the decision, the reason for the decision, and the outcome of the decision.

In the event an infringement notice is issued, the legal basis will be explained.

As with any infringement notice, an appeal process applies with full details on the reverse side of the notice as a Summary of Information.

Please note that this infringement notice process is now in place.



Safety reminder - decks, balconies and balustrades

The Department of Building and Housing would like to remind building owners that decks and balconies supported by untreated kiln-dried timber may pose a safety risk, particularly in those situations where drainage is poor.

At this time of year, many New Zealanders take advantage of warmer weather and time off work to have barbecues and socialise. They often enjoy these occasions on their decks and balconies.

This summer season, it is worth taking some time to consider that certain types of decks and balconies have a risk of rotting where drainage is poor, causing their underlying structure to decay. In extreme cases, this can lead to collapse.

The Department of Building and Housing reminds territorial authorities, designers, builders, building consultants and other building professionals to pay particular attention to this risk whenever they are on site.

Safety check - enclosed decks, balconies and balustrades

All types of deck, balcony and balustrades must be designed and constructed to meet the requirements of the New Zealand Building Code and be maintained throughout their lifetime.

There are concerns with certain types of timber construction. There is a potential risk of decks leaking where the timber balustrades are enclosed with claddings or the floor is covered with a waterproof surfacing, with or without tiles laid on it.

Unless decks and balconies are correctly designed, constructed and, most importantly, properly maintained, water may leak in behind the cladding and through the waterproof surfacing and create conditions that encourage timber to decay and fasteners to corrode.

If the property has a balcony or deck, consider these risk factors:

- Has untreated kiln-dried timber been used for structural support?
- Is the balustrade clad with lightweight materials with a plaster finish?
- Are there any holes or cuts in the waterproof surfacing?
- Is there flat access, with no step, where the deck meets the building doorway?
- Does water pool on the surface?
- Do cantilever joists (or other joists that penetrate the exterior wall) lack flashings?

Look at the barrier or balustrade. These factors all pose further risk:

- Is it clad with lightweight material with a plaster finish?
- Does it lack a waterproof capping?
- Does it have a flat top where water sits?
- Does it have a railing where water is able to collect in screw holes?

Warning signs:

- Balconies and decks that move when walked on
- Damp spots and stains where the balcony, balustrade or deck joins the main part of the building
- Cracks, particularly near junctions, joints and corners
- Balustrades or railings that wobble
- Balustrades where damp spots or stains can be seen on the cladding
- Interior water damage or any visible change to interior finishings adjacent to or directly beneath the balcony or deck

Open timber decks constructed with durable treated timbers are less likely to be of concern. However, these are things that should be checked:

- Can water sit or track into the house where the deck meets the exterior wall?
- Do the flashings take water away from the house wall and allow it to drain away?
- If the cladding relies on paint to keep the water out, is that coating continuous or is there any point where water might penetrate?
- Is there any sign of timber beginning to decay? Look for excessive cracking or 'softness'.
- Is there proper waterproofing around the cantilevered joists or around other joists that penetrate the house wall?
- Are the balustrades or posts correctly connected to the deck or balcony structure? They should not wobble.
- Check the tightness of bolted connections, especially on balustrades and handrails, to ensure nuts are secure.
- Check that galvanised steel connectors are not corroding.

Does work on a deck or balcony require a building consent?

A building consent is not required for decks and balconies where it is not possible to fall more than one metre should the structure collapse. However, all decks and balconies must be built in accordance with the Building Code to ensure they are safe for people to use.

Where necessary, the building work owner should apply for a building consent when constructing a deck or a balcony. The consent will

give assurance that any safety concerns with the deck are addressed, as a building official will have inspected the work after it has been completed to certify that it meets Code requirements.

For more information phone: BRANZ Advisory Helpline - 0900 5 90 90

Institute of Building Surveyors - 0800 113 400

Or contact one of our Building Officers on (06) 366 0999.