

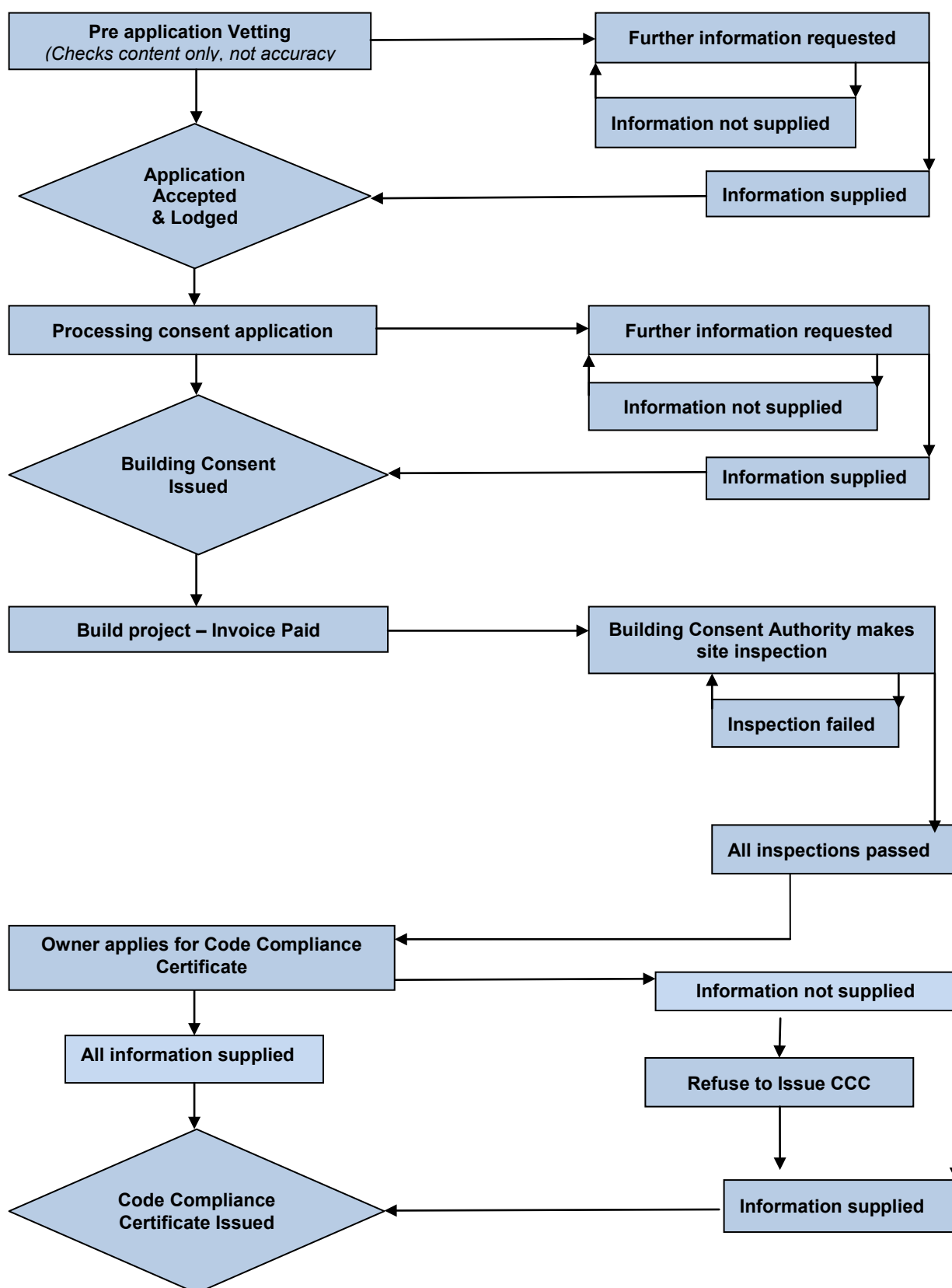
A General Guide to the Building Consent Process

Public Information

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Flowchart showing the Building Consent Process



Overview

The Horowhenua District Council was accredited as a Building Consent Authority (BCA) in April 2008. A BCA is an organisation which manages, monitors and processes Building consent applications. The Building Control Unit administers this process which is designed to ensure your building project meets all the criteria under the Building Act 2004. Our staff are trained professionals with backgrounds covering a range of building disciplines and are committed to providing quality customer service and will help you obtain your consent as fast as possible while ensuring that your project meets all the legislative and Building Code requirements.

Building Control contact details

Phone: (06) 366 0999
Fax: (06) 366 0983
E-mail: enquiries@horowhenua.govt.nz
Website: www.horowhenua.govt.nz
Location: 126-148 Oxford Street, Levin.
Postal Address: Private Bag 4002, Levin 5540.

Before you begin

Most types of building work require a building consent to ensure compliance with the Building Act 2004 and with the New Zealand Building Code.

Only building work listed under Schedule 1 of the Building Act 2004 may be done without first obtaining a Building Consent, but the work must still comply with the Building Code. Further information can be found on the Ministry of Business, Innovation and Employment website – www.dbh.govt.nz/building-index

Check to see if your proposed building work complies with the requirements of the District Plan, or is already provided for by an existing Resource Consent. If it is not, you may need to apply for Resource Consent. Do this by contacting Council's Planning Department.

For all Restricted Building work please ensure that you have engaged a Licensed Building Practitioner (LBP) for your design and notify Council of all LBPs involved in your project before work commences.

New Consumer protection measure for residential building work took effect from 1 January 2015. These changes should encourage a professional, no surprises relationship between the contractor and the client. They will also assist homeowners to make informed decisions about building work. More information can be found at : www.doyourhomework.co.nz

Applying for a Building Consent

A Building Consent must be obtained *before* the work starts.

For complex projects we recommend that you seek professional advice.

The Council's website, www.horowhenua.govt.nz has information about applying for a building consent. From the Building Control page you can access application forms and checklists. Application packs can also be collected from our Customer Service Centre, 126 Oxford Street, Levin.

You can also find useful information about applying for a Building consent and download publications from the Ministry of Business, Innovation and Employment – www.dbh.govt.nz/building-index. The Department has a number of useful publications for homeowners, including a 'Guide to Applying for a Building Consent' (simple residential buildings) and the 'Building Act and You'.

The Consumerbuild website, www.consumerbuild.org.nz also has a lot of helpful information, especially for homeowners and people that are new to the building industry.

If you are not familiar with building plans and establishing compliance with the Building Code, you may need to engage a Licensed Building Practitioner (Design) to supply the required drawings and information and to apply for a Building consent on your behalf.

If as a result of the building work a specified system is being added or removed, this will require a compliance schedule or an amendment to a compliance schedule. If a compliance schedule is required, this will then create the need for a Building Warrant of Fitness (BWOF). Refer to page 11 for further details.

Owner-builder exemptions

What is this exemption about?

The exemption provides owner-builders or Do-It-Yourself builders (DIY) a regime where they can undertake restricted building work on their own homes, or use a friend or family member to either assist, or undertake the works on their behalf.

Council also provides an administrative process for notifying the public that an owner-builder has undertaken the building works, which is subject to the owner-builder exemption.

If an owner builder claims an exemption under the LBP scheme, the statutory declaration must be held on the Land Information Register so that future owners are made aware that the design or construction of the dwelling has been undertaken by an owner builder.

This satisfies Council's obligations in respect of maintaining records under the Building Act.

If an owner-builder holds a licence for the restricted building work (RBW), they will not be considered for an exemption. The owner-builder exemption is specifically tailored to apply to a DIY, or for an exemption for RBW where the owner-builder proposes to carry out works that they are not licensed to carry out.

The owner-builder exemption will not cover works such as electrical, gas or plumbing and drainage unless the owner-builder holds appropriate licences for the work.

What is an owner-builder?

You are an owner-builder if you:

- Have a relevant interest in the land or the building on which the restricted building work is carried out (i.e. ownership);
- Live in or are going to live in the home (includes a bach or holiday home);
- Carry out restricted building work to your own home yourself, or with the help of you unpaid friends and family members; and
- Have not, under the owner-builder exemption, carried out restricted building work to any other home within the previous three (3) years.

You are an owner-builder if you either own (themselves or jointly with another person) or have a beneficial legal interest in the land and/or house the building work is being done on. A legal interest includes being a beneficiary of a trust, shareholder of a company, co-owner of Māori land, or having possession of a long-term lease.

To meet the criteria you must also genuinely intend to occupy (or already occupy) the house and not be building (or altering) it only to sell it or rent it to someone else. However, occupation does not need to be permanent or exclusive; it is sufficient for you to reside on an intermittent basis such as a holiday home. Intention can be difficult to prove; however this element is important to ensure that only genuine owner-builders are able to claim the exemption.

If you wish to undertake RBW on a subsequent property you may only do so once three (3) years has passed since the completion of the RBW on the previous property.

This is to ensure that unlicensed builders cannot avoid registration and undertake RBW by using the exemption scheme.

An owner-builder can do RBW on the *same* property as often as they like (e.g gradually doing alterations to a home periodically over a number of years). However they can only do restricted building work on a *subsequent* property after three (3) years has passed since the completion of RBW on the previous property.

What is restricted building work?

RBW is work which is critical to the integrity of a building. It is work that relates to the structural soundness and weathertightness of a building and can only be carried out or supervised by Licensed Building Practitioners (LBPs).

Practitioners who usually carry out RBW include:

- Designers and engineers
- Carpenters
- Foundation specialists
- Roofers
- Brick and block layers
- External plasterers.

The RBW regime identifies all of the LBP who are accountable for each part of the work. It also helps to provide assurance to the owner that the building has been built to a satisfactory standard.

Can an owner-builder design and build their home when restricted building work is involved?

Yes, but the owner-builder must meet all statutory requirements; for example the standard of the building work must be to the same level as if it was carried out by a LBP.

If you are a suitably skilled owner-builder and meet the criteria of owner-builder, you may be able to carry RBW. However if you have any doubts about whether you are suitably skilled or qualified to carry out the design or construction works, Council strongly advises that you only engage LBP to do this work.

If you are considering undertaking the works yourself you will need to meet a certain level of building knowledge. You can check and compare your skills by referring to the following documents:

- Competencies required of a LBP at www.dbh.govt.nz/lbp-licensing-classes
- Requirements of the Building Code Acceptable Solutions and Verification Methods at: www.dbh.govt.nz/compliance-documents

What about work that does not need a building consent?

Generally you do not need a building consent if proposed building works are exempt under Schedule 1 of the Act. You do not need to be a LBP if a building consent is not required. This means that you can effectively carry out the works yourself. Despite this, the work must still meet the requirements of the Building Act 2004 and the Building Code.

You should always discuss your project with Council's building officers before undertaking any building works – even if you think that the proposed works are exempt in accordance with Schedule 1 of the Act. If you have any doubts, please refer to our guidance on exempt building work.

How do I apply for an owner-builder exemption?

An application for building consent requires you to declare the LBPs engaged for the design and construction work.

This is no different for an owner-builder. However, instead of getting certification from your designers and contractors, you will have to provide Council with a statutory declaration detailing the RBW that you intend to undertake.

Forms are available from Council's website under Building – Applications Forms.

This document requires a degree of building knowledge in order to fill it out correctly. It is also a legally binding declaration that must be witnessed by a person that is able to witness such documents, such as a Justice of the Peace or a solicitor.

The statutory declaration will be kept on the property file at Council and it will be publicly available to any person who wants to look at the file.

It is an offence under both the Crimes Act 1961 and s.369 of the Building Act 2004 to give false information in a statutory declaration so all of the information contained in the statutory declaration must be true and correct to the best of your knowledge.

Can an owner-builder do the design work?

Yes, but you are then responsible for ensuring that the designs and specifications comply with the requirements of the Building Act 2004 and the Building Code.

The design works as part of RBW relate to building elements that are critical to the integrity of the building, so Council advises that you should engage a LBP to undertake the design work unless you are technically competent to do so.

At the time of applying for building consent, if you are seeking an exemption you must supply Council with:

- plans and specifications of the house to the same level of detail and compliance as that required of a licensed designer, registered architect, or chartered professional engineer;
- any other documentation required by the Council in relation to the building consent application (refer to the residential lodgement checklist for details required);
- a statutory declaration (refer to our website for this document).

If using a designer, you must supply the Council with:

- plans and specifications of the house to the same level of detail and compliance as that required of a licensed designer, registered architect, or chartered professional engineer;
- any other documentation required by the Council in relation to the building consent application (refer to the residential lodgement checklist for details required);
- a certificate of design work which is issued by the designer.

Can an owner-builder do the construction work?

Yes, but you must notify Council before the work commences by completing the statutory declaration and lodging it either at the time of application or prior to the construction work commencing if a building consent is not required.

You will be responsible for ensuring that the work complies with the approved plans and specifications. You must ensure that the construction work complies with the Building Act and Building Code (Building Act 2004, section 14C), and the approved plans demonstrate that the design is code compliant.

An owner-builder carrying out construction work is responsible for ensuring that the work is compliant with the approved plans and specifications. This confirms that the construction work is compliant with the Building Act and Building Code (Building Act 2004, section 14C).

Can an owner-builder do all construction work under the building consent?

An owner-builder cannot carry out all aspects of construction unless they are licensed to do the work; suitably qualified people must carry out this specialised work. This work includes:

- plumbing
- gas-fitting
- drain-laying; and
- electrical work.

Can an owner-builder get others to help with the design or construction work?

You may have friends and family undertake the building works on your behalf as long as they are not paid for doing so.

If you are paying someone to do the work, they must be suitably licensed and they must submit the relevant paperwork to Council on completion of the work.

Can an owner-builder build other houses using this provision of the Act?

No, the owner-builder exemption only allows the owner to carry out RBW if they have not carried out restricted building work in relation to a different household unit within the previous three (3) years. This element is the key to ensuring unlicensed builders do not use the exemption as a loophole to get around the Licensed Building Practitioner scheme.

What if an owner-builder changes their mind during the project?

Typical scenarios might be:

1. Stop using the exemption provision:
 - (a) sometime during construction the owner-builder decides they do not want to do the construction work and that they want to employ a Licensed Building Practitioner to complete the job.
2. Start using the exemption provision:
 - (a) part way through the construction an owner may decide to terminate the employment of the Licensed Building Practitioner and intend to finish the job themselves as an owner-builder;
 - (b) part way through the job the owner-builder decides to employ a Licensed Building Practitioner to carry out particular parts of the construction.

In any situation where the status has changed you must notify the Council of the changes using the owner-building exemption form.

Plumbing and Drainage Documentation

All designers, plumbers and drain layers will be required to provide detailed plans and specifications for all plumbing work proposed in the application. Details required include materials being used, what standards they meet, and how they are to be installed.

Once you have completed your application form you or your designer will need to check that you are providing all the required documentation and information, including a Project Information Memorandum (PIM) if applicable. A PIM can be applied for at the same time. Refer to page 11 for further details.

Application Form

We have two application forms dependent upon the work you intend to undertake.

The application form has a number of parts and it is important that all the sections are completed and the information given on how the work will comply with the building code.

Lodging and vetting a Consent application

Your application can be lodged at the Council Building or by mail. The application will be checked by an officer before being accepted to ensure all the required information is supplied. Applications will not be accepted if any of the information is missing. Mail applications will be returned by mail if not accepted. *The initial check is for content of the application only.* A more detailed check for accuracy of the information supplied is done during processing.

Mailing Address for applications: Horowhenua District Council Building Control
Private Bag 4002
Levin 5400

Street Address: 126 Oxford Street
Levin 5510.

An estimate of fees will be calculated when you lodge the consent and will include the estimated number of inspections required for your project. The fee schedule is available on the website in the Building Control pages and you will be able to estimate the amount payable from this information.

The majority of applications are processed on a time basis and will require a fee deposit to be paid before your consent will be accepted for processing. The fee deposit is as listed in our fee schedule on our website.

If the value of your project is over \$20,000.00 your fees will include levies which we are required to collect on behalf of the Ministry of Business, Innovation and Employment (MBIE) and the Building Research Association of New Zealand (BRANZ).

Once we accept your application, it will be entered into our electronic processing system and given an individual number. This will be advised to you in a letter acknowledging receipt of your application. This number should be quoted whenever you write to or contact the Council about your Building Consent application. Your application will be linked to the records for the property.

Processing the Consent Application

The Building Act requires us to process a Building consent application in twenty (20) working days. The “clock” starts when the consent is accepted for processing by Council. If the application includes plans and specifications in relation to which a national multi-use approval has been issued, the processing time is ten (10) working days.

At this stage the application is allocated to the various disciplines within Council for processing, i.e. planning, water, roading, building and drainage. We check for compliance with Council bylaws and other legislation such as vehicle access, earthworks, water reticulation, public drainage and, in the case of commercial premises, areas such as health, trade waste, Building Warrant of Fitness and backflow prevention. Our building control officers will evaluate the various aspects of your building consent application to ensure it meets the requirements of the Building Act and the Building Code. Occasionally, due to complexity or nature of the building design or resourcing, Council may opt to use an external consultant to help with processing. In these situations the consultant is working on Council's behalf. If there are any questions or concerns, a letter will be sent to you requesting further information/clarification. When a request for further information is sent the 20 working day “clock” is stopped until this information is provided.

There is a requirement for some applications to be sent to the NZ Fire Service, Fire Engineering Unit (FEU). Additional fees for FEU processing are passed on to the applicant.

In some instances Producer Statements may be accepted as means of establishing compliance. This is generally where the work involves specific design, such as structural or fire designs. Refer to page 11 for further details.

Issuing a Building Consent

Once your application has been assessed and we are satisfied it meets all provisions of the Building Code, it will be granted and a Building Consent and/or Project Information Memorandum will be issued. An invoice will be generated and sent with the Consent documentation. No inspections will be carried out until all fees are paid in full.

It is very important that you (and your contractors) read the Building consent documentation to ensure you are clear about the requirements. Your Building consent confirmation of issue letter contains useful information about matters which you need to comply with while undertaking your building project. The Building Consent Inspection Schedule will also contain a list of inspections required to be made by Council officers during the building process and a list of producer statements required from specialists. The identified specialists must provide documentation of the inspections they undertake in support of their producer statement.

Work must start on your project within twelve (12) months after the date the consent was issued.

Lapsed Consents

Section 52 of the Building Act 2004 requires that a Building Consent shall “lapse and be of no further effect” if work has not commenced within 12 months after the date of issue.

For this reason, we send out a monitoring letter at eleven (11) months advising the nominated contact person that this point is nearing and that we have no record of the work commencing. The letter asks the contact person to advise that work has commenced. If no response is received, the consent will be given a status of “Lapsed” meaning that a new consent will be required for any future work.

Please note: All monitoring letters (and any other correspondence) will be sent to the “First point of contact” as nominated on the building consent application. If the contact person is changed, the applicant/owner should inform us to ensure they receive all necessary information.

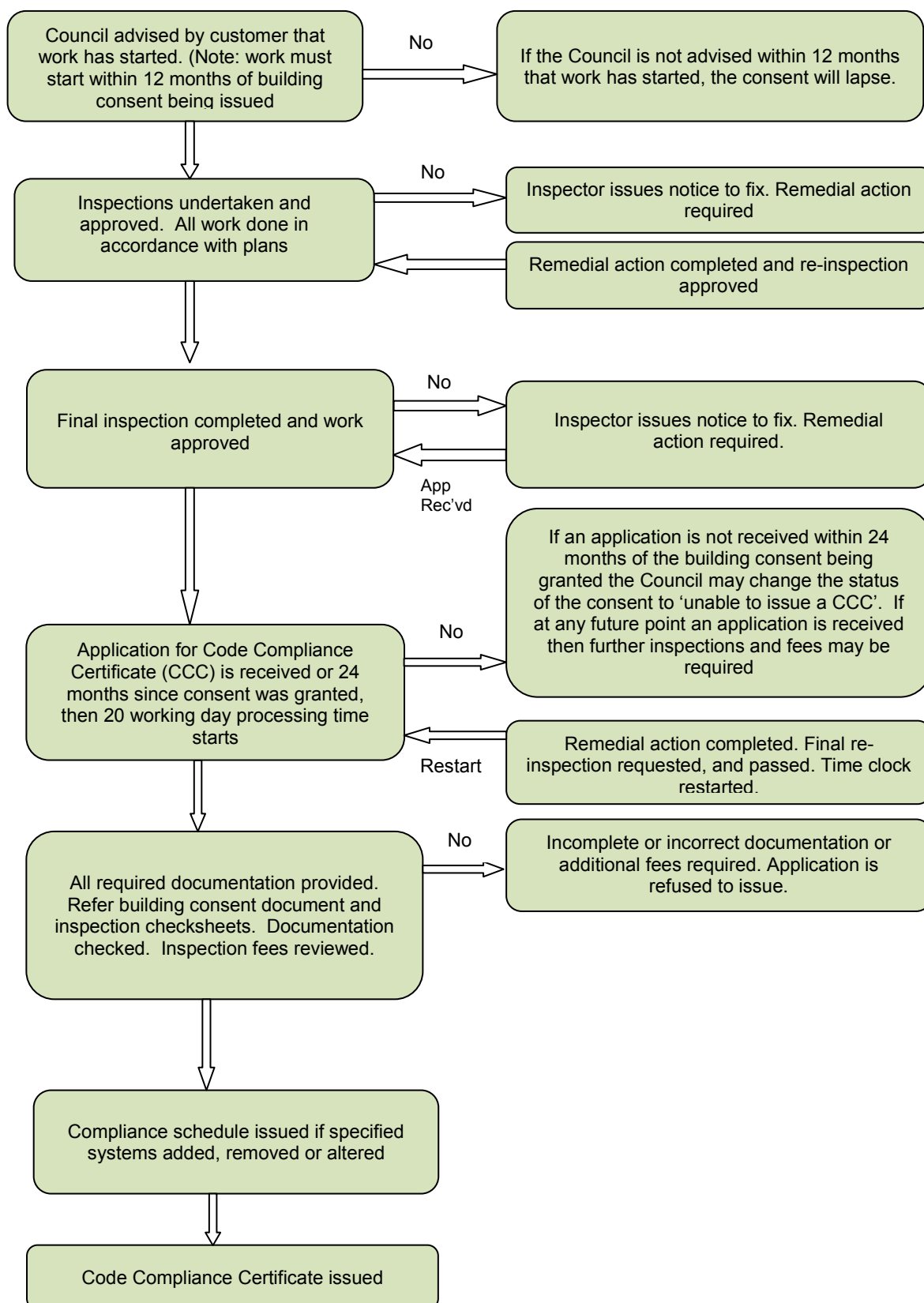
How to withdraw your application for Building Consent

You may withdraw your application for Building Consent prior to the consent being issued. This must be put in writing to: Building Control, Private Bag 4002, Levin 5540.

You will be liable for all charges incurred up to this point in time.

Flow Chart Overview

Process for inspection and completion of project



Building Inspections

At various stages during construction you will need to arrange for building officers to inspect what has been done in order to ensure that your building work complies with the building consent and the Building code.

A list of required inspections will be included with your Building Consent. This may not be a full list of the required inspections (due to differing construction methods, etc). You need to book these as each stage of work is completed.

When you make your booking, you will need to supply the following information:

- Your Building Consent number
- The site location/address
- The type of inspection required
- The name and contact phone number of the person who will be on-site at the time of inspection
- Licensed Building Practitioner number.

All Building consent documents and any approved amendments must also be on-site at the time of inspection. Typical inspections may include - foundations; framing; insulation; plumbing; drainage, cladding and flashings; and the finished building.

Re-inspections may be required if the inspector is not satisfied that the work meets the requirement of the Building Consent and the Building Code. These may incur additional charges if inspections exceed those estimated when you lodged your Building Consent application.

The work must be carried out in accordance with your approved Building Consent. If you wish to change some aspect of the project you must first obtain an amendment to the Building Consent before the work is carried out. The process for obtaining an amendment is the same as obtaining the original consent. It is very important that at the time of inspection the Building Consent documents accurately reflect what has actually been built. Minor variations can be approved on site at the time of inspection.

If the work has not been done in accordance with the Building Consent, the inspector will fail the inspection and issue a copy of the inspection record stating what is required to be done.

If work complies with the Building Consent, the inspector will pass the inspection and issue a copy of the inspection record.

Hours of Inspections

Inspections are available most days with 24 hours notice of inspection needs, and can be conducted generally between 8.30 am and 4.30 pm.

To book an inspection

Phone our inspection booking service on (06) 366 0927. If there is no reply, leave a message as this is a dedicated line and your message will be responded to.

Final Inspection

When all the planned work is completed and inspections are complete, book your final inspection. Make sure you have copies of all the documents that were supplied with your application. They must be on site at the time of your final inspection.

Code Compliance Certificate (CCC)

After the final inspection has been passed, you will need to formally apply for a Code Compliance Certificate on the form that will be posted to you. A Code Compliance Certificate means that the building work complies with the Building Code and the Building Consent.

When you apply for your Code Compliance Certificate you may be required to supply supporting documentation such as energy work certificates or PS4 (engineer's producer statement or installer declaration) before the certificate can be issued.

We may refuse to issue the Code Compliance Certificate if any of the required inspections have been missed or the required producer statements cannot be provided. Without a Code Compliance Certificate you may experience difficulties insuring your property or selling it in the future.

A review of the fees paid for inspections will be made after the final inspection is passed and an invoice or a refund will be raised. The Code Compliance Certificate will not be issued if there are any unpaid fees, and/or any other outstanding charges such as development contributions.

The Building Act requires us to process your application for a Code Compliance Certificate within twenty (20) working days. The "clock" starts when we receive your application. If all the information is not received then the clock will be 'stopped' until all information is received. This will be revisited once all information is received.

If an application for a Code Compliance Certificate has not been received within two (2) years after the Building Consent was granted, the Council is obliged to decide whether or not to issue the Certificate.

A Compliance Schedule will be issued with the Code Compliance Certificate where the building has specified systems that have been added, removed or altered. Residential dwellings require a Compliance Schedule only if they are serviced by a cable car. Where the Compliance Schedule is new, a Compliance Schedule Statement will also be issued.

What is a Compliance Schedule?

A Compliance Schedule is a document issued by Council for a public and commercial building if it contains any specified systems, i.e. automatic doors or emergency lighting. The Compliance Schedule will contain the systems and features including the inspection, maintenance and reporting procedures needed to keep them in good working order. A single household unit will require a Compliance Schedule only if it contains or is serviced by a cable car. A Compliance Schedule must be kept on site and made available to Council officers, and/or authorised agents during business hours. The specified systems are listed in Schedule 1, Building (Specified Systems, Change of Use and Earthquake-Prone Buildings) Regulations 2005.

What is a Compliance Schedule Statement?

A Compliance Schedule Statement is issued by Council as a temporary public notification of Compliance Schedule requirements and is to be replaced in 12 months time and annually thereafter by a Building Warrant of Fitness.

What is a Building Warrant of Fitness (BWOFF)?

This is a building owner's signed statement that the inspection and maintenance requirements of the Compliance Schedule have been fully met. A copy of the BWOFF must be displayed in a public area of the building.

For further information about a Building Warrant of Fitness refer to the [General Guide to Building Warrant of Fitness](#).

What is a Project Information Memorandum (PIM)?

A Project Information Memorandum (PIM) is a memorandum issued by the Council and is a voluntary part of the building consent process. A PIM provides all information that Council knows about your property and is specific to the building project. A PIM does not give any form of approval under the District Plan or Building Act. Contact the Council's Planning Department or your own planning adviser to determine whether your proposal complies with the District Plan. If Resource Consent is required it must be obtained before the building work can be started.

More information about PIMs can be found at the Ministry of Business, Innovation and Employment website www.dbh.govt.nz/building-index.

What is a Producer Statement?

These statements confirm that certain work will be carried out in accordance with nominated performance requirements of the Building Code. A Producer Statement will usually be in the form of a certificate or written statement, signed by a design professional, i.e. engineer. In order for us to accept a Producer Statement, the author is required to be on the IPENZ (Institution of Professional Engineers) Chartered Professional Engineers' register.

Other Information and Applications

Certificate for Public Use (CPU)

A Certificate for Public Use is used to certify that premises or parts of premises affected by building work are safe to be used by members of the public. A Certificate for Public Use can not only be issued where a consent has been granted for building work, but also where a Consent Completion Certificate has not yet been issued. Certificates for Public Use do not relieve the owner of a building from the obligation to apply for a Consent Completion Certificate after the building work has been carried out. If the building contains specified systems this could prompt the issue of a Compliance Schedule. Certificates for Public Use are not required for private homes or other buildings the public does not have access to.

Certificate of Acceptance (COA)

A Certificate of Acceptance allows for certification of work that has been carried out urgently or where there has not been time to apply for and obtain a Building Consent for unforeseen reasons.

You must apply for a Certificate of Acceptance in writing. For more information on this certificate, please contact our Building Control staff.

Determinations

If you are not happy with or disagree with a decision either during the processing or inspection of your building work, you can request a determination from the Ministry of Business, Innovation and Employment (MBIE).

The MBIE has produced A Guide to Building Act Determinations to assist you with this process. For more information call 0800 242 243 for a free hard copy or e-mail MBIE Determinations – determinations@dbh.govt.nz.

Land Information Memorandum (LIM)

A Land Information Memorandum (LIM) is a report that includes information the Horowhenua District Council holds about a specific property and any issues that may affect it. This information may be vital before you finalise your property purchase.