



# Building Consent Information

*INFORMATION ON PIM, BUILDING CONSENT,  
INSPECTIONS AND BUILDING WORK CERTIFICATION*

*FORM 11.01*

**[whakatane.govt.nz](http://whakatane.govt.nz)**

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## The Building Act 2004, Building Consent Authorities, Territorial and Regional Authorities

### 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 building work to obtain a building consent from a building consent authority, before commencing any work. Depending on the extent of the project, it is advisable to obtain a project information memorandum however, this is voluntary.

Building Act 2004: [www.legislation.govt.nz/act/public/2004/0072/latest/DLM306854.html](http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM306854.html)

## Who administers the Building Act?

The Ministry of Business, Innovation and Employment (MBIE) is the government department responsible for administering the Building Act 2004.

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

From 31 March 2009, only registered Building Consent Authorities (BCAs) have been permitted to perform building consenting and certifying functions in terms of the Building Act 2004. The Act provides for Territorial Authorities and private organisations to apply for registration as a BCA. Territorial Authorities also need to be registered as a BCA to carry out building control work on dams.

*BCAs perform the following functions:*

- Issue building consents (except consents subject to a waiver or modification)
- Inspect building work for which it has granted a building consent
- Issue notices to fix
- Issue code compliance certificates
- Issue compliance schedules
- When issuing building consents, a BCA must provide to the New Zealand Fire Service Commission a copy of every application for a building consent of a kind specified by a Gazette Notice [www.gazette.govt.nz](http://www.gazette.govt.nz)

## What is a Territorial Authority (TA)?

A Territorial Authority must perform the functions of a BCA for its own city or district. A TA is responsible for any coastal marine area adjacent to its district that is not within the district of another TA, and a TA must perform the functions of a BCA within this area. In addition to these responsibilities, a TA performs the following functions (including any functions that are incidental and related to, or consequential upon these).

*The Territorial Authority issues:*

- Project information memoranda (PIM)
- Building consents where the consent is subject to a waiver or modification of the building code

- Certificates of Acceptance
- Certificates of Public Use
- Compliance schedules and amendment to compliance schedules *A territorial authority also:*
- Follows up and resolves notices to fix
- Administers annual building warrants of fitness
- Enforces the provisions relating to annual building warrants of fitness
- Decides the extent to which buildings must comply with the Building Code when they are altered, the use is changed, or the specified intended life is changed
- Performs functions relating to dangerous and insanitary buildings
- Performs functions relating to earthquake prone buildings
- Performs building safety evaluation following an earthquake or other emergency
- Determines whether work is exempt under schedule one from requiring a building consent
- Carries out any other functions and duties specified in the Building Act 2004

## What is a Regional Authority?

Regional authorities are required to become BCAs to undertake building control work on dams. They also perform many TA functions in respect of dams, including issuing of project information memoranda, being responsible for the compliance schedule regime, and issuing Certificates of Acceptance.

## Keeping information

A TA must keep, for at least the life of the building, any information that is relevant to the administration of the Building Act, including the following information:

- Plans and specifications in relation to building consent applications
- The names of any Licenced Building Practitioners (LBPs) who certified designs and/or undertook building work on projects that come under the restricted building (RBW) work regime
- Project information memoranda and building consents
- The specified intended life of the building (if applicable)
- Code Compliance Certificates
- Compliance schedules
- Building Warrant of Fitness
- Copies of energy work certificates
- District court orders under section 126 (TA having undertaken the work)
- Records of information on any land or building received by the TA from a statutory authority □ All information provided to the TA by a BCA under section 238 Building Act 2004.

The following information must also be available to the public and must be kept for 10 years: summary of complaints received by the TA concerning breaches of the Act or the former Act and information on how the TA dealt with the complaint.

Full scope provided by MBIE regarding roles and responsibilities of councils:

[www.building.govt.nz/building-officials/roles-and-responsibilities-of-councils](http://www.building.govt.nz/building-officials/roles-and-responsibilities-of-councils)

## Project Information Memoranda (PIM), Building Consents, Inspections, Building Work and Certification

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

A project information memorandum (PIM) is a memorandum issued by the Council under section 34 of the Act and sets out information relevant to your building work.

The information is provided on a prescribed form and is required to include all such information known to Council which may be relevant to the project or site.

This includes:

- Potential impacts from natural hazards (e.g. coastal processes, slips, flooding, etc.)
- The presence of special land features or hazardous contaminants which are likely to be relevant to the design, construction or alteration of your proposed building which are known to Council.
- Details of stormwater or wastewater utility systems which may relate to your project or site will also be included (where applicable).
- If development contributions would be applicable.

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

- Resource Management Act
- Heritage New Zealand Pouhere Taonga
- New Zealand Fire Service Commission

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

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

Contact a planning officer, or your own planning adviser, to determine whether your proposal complies with the District Plan. If your proposal requires resource consent, you are strongly advised to obtain this before seeking a building consent to avoid possible expensive changes to your project.

## Do I need a PIM?

A PIM is optional, but highly recommended to assist in your project proposal. This can be applied for separately or in conjunction with your Building Consent.

## How do I apply for a PIM?

Whakatāne District Council utilises AlphaOne online consent processing. A PIM can only be applied for online using this process – follow the prompts through the online tool and upload your documentation.

Online application at: [www.whakatane.govt.nz/apply/building-consent](http://www.whakatane.govt.nz/apply/building-consent)

For those with no access to a computer to apply online, a hardcopy application for a PIM must be made on the PIM/BC application form, which is available from our Council office or our website, [whakatane.govt.nz](http://whakatane.govt.nz). This form must be completed in full, and signed and dated before being submitted. It is the same application form as applying for a building consent; in section 4, tick the PIM-only section.

PIM / Building consent application form:

[www.whakatane.govt.nz/sites/www.whakatane.govt.nz/files/documents/form\\_2\\_-\\_simple\\_combined\\_form.pdf](http://www.whakatane.govt.nz/sites/www.whakatane.govt.nz/files/documents/form_2_-_simple_combined_form.pdf)

## Documentation required

*All applications must be accompanied by the following:*

- Site plan
- Building elevations
- Floor plan
- Proposed drainage

NOTE: For hardcopy applications, two copies are required.

## How long does it take?

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

Sometimes it may be necessary for the Council to obtain further information from you to enable your PIM processing to be completed. In such cases, the Council will contact you within 10 days of receiving the PIM application with a formal request for further information.

The Council has 10 working days from when this information is received to issue the PIM.

Note: Provided all fees are paid, the PIM will be advised online via email (or if hardcopy, posted to the applicant) when it is issued. If the PIM is applied for with the building consent, the timeframe for the issue of both is 20 working days.

A building consent is the formal approval issued by a BCA stating that certain works meet the requirements of the Building Act, Building Regulations and New Zealand Building Code.

You cannot undertake any building work that requires a building consent without this approval. Most building work requires a building consent but some minor work is exempt under the Act

Exempt work is listed on Schedule 1 of the Building Act 2004. This may be viewed on the MBIE website – see link below:

MBIE Guidance Building work that does not require a consent:

[www.building.govt.nz/assets/Uploads/projects-and-consents/building-work-consent-not-requiredguidance.pdf](http://www.building.govt.nz/assets/Uploads/projects-and-consents/building-work-consent-not-requiredguidance.pdf)

## Hazards

The PIM can also identify the known hazards on a site. Whakatāne and surrounding areas are known for a number of geotechnical, geographical, features and natural disaster events, recently the Edgumbe Flood Event in April 2017. We are also in an earthquake zone with a fault line running through part of the Whakatāne town, and we have an active volcano in White Island 50 kilometres of shore, and much of the town is built on reclaimed land. Investigations and modelling are constantly being carried out to better understand what needs to occur to allow buildings to be built in the area. During the building consent process we will ask for additional information to best address the identified issue, this may include but is not limited to:-

- Any flooding issues – what a minimum floor height would need to be. The Bay of Plenty Regional Council are constantly modelling this and will provide the information on request.
- Seismic requirements
- Liquefaction issues (MBIE have provided a guidance document “Planning and engineering guidance to potentially liquefaction prone land to further explain what considerations need to be considered for liquefaction) - What is a Building Consent?

Where consents are issued where there is a known hazard on the land, Section 71 and 72 of the Building Act 2004 come into play. If your building work makes the hazard worse then, the building consent must be refused. If your building work does not make the hazard worse then, the building consent can be granted, however a notification is put onto the Certificate of Title for the land making note of this.

# When is a Building Consent required?

The Building Act (Schedule 1) sets out certain building work that does not require a building consent. This is often referred to as “exempt work”. However, it is important to note that all building work, whether or not it requires a consent, must be done to meet the standards of performance set by the Building Code.

Building code and handbooks: [www.building.govt.nz/building-code-compliance/building-code-andhandbooks/](http://www.building.govt.nz/building-code-compliance/building-code-andhandbooks/)

Some basic building, such as laying a patio or installing kitchen cupboards, does not require a building consent however, most building work does. The lists below provide a summary, but check with your council to be sure. Plumbing and drainage are likely to require a building consent. Some earthworks may also require a building consent or other approvals.

*Examples of work that does require a building consent:*

- Structural building additions, alterations, re-piling, some demolitions
- Plumbing and drainage (except repair and maintenance of existing [using comparable] components) where additional sanitary fixture is created
- Relocating a building
- Installing a woodburner or air-conditioning system
- Retaining walls higher than 1.5 metres (3.0 metres in rural area if designed by CPEng)
- Fences or walls higher than 2.5 metres, and all swimming pools and their associated fences
- Decks, platforms or bridges more than 1.5 metres above ground level
- Sheds greater than 10 square metres in floor area

*Examples of work that does not require a building consent:*

- A patio or deck at ground level
- Garden trellis less than 2.5 metres high
- Maintenance of your house, for example, replacing spouting or a piece of weatherboard
- Building a small garden shed (provided it is no closer than its own height to the boundary, is under 10 m<sup>2</sup>, and less than one storey high).

Notification of exempt building work form:

[www.whakatane.govt.nz/sites/www.whakatane.govt.nz/files/documents/wdc-formexempt\\_building\\_0.pdf](http://www.whakatane.govt.nz/sites/www.whakatane.govt.nz/files/documents/wdc-formexempt_building_0.pdf)

## How long does it take to get a Building Consent?

Building consent processing time depends on the complexity of your project and whether or not you have provided us with sufficient information.

All building consents are required to be approved within 20 working days, and Council aims to achieve this. However, if information is deficient, the time clock is stopped, and a formal request will be made for further information. The time clock is not restarted until all of the requested information is received.

It is possible that your building consent application will require checking by several disciplines, and the clock may be stopped on more than one occasion.

## How do I apply for a Building Consent?

Whakatāne District Council utilises AlphaOne online consent processing. A building consent can be applied for online using this process – follow the prompts through the online tool and upload your documentation.

Link to online application: [www.whakatane.govt.nz/apply/building-consent](http://www.whakatane.govt.nz/apply/building-consent)

For those with no access to a computer to apply online, a hardcopy application for a building consent must be made on the Building Consent application form, which is available from our Council office or our website, [whakatane.govt.nz](http://whakatane.govt.nz). This form must be completed in full, and signed and dated before being submitted. It is strongly recommended that if you wish to present a hardcopy (not through the computer) application, you make a pre-application meeting with a duty building officer. The application will be uploaded by a building officer and the time to do this will be charged as part of the building consent processing fees.

Once you have uploaded all your information using the AlphaOne online portal, posted in the application, or brought it in personally to our office, the application will be vetted to ensure it has all the required documentation for the project.

**Note:** The initial review by our vetting officer is not a technical assessment, but merely a check to ensure all necessary information required has been provided to enable us to process your application in a timely manner.

If all information has been provided, you will be required to pay a deposit with your building consent application. This may not be the total cost, and you may be invoiced if there are additional fees to pay once your building consent is ready to be issued.

## What sort of information do I need?

Building consent applications can be complex. We recommend you engage the services of a professional to help with your design work and drawings. Council will not accept substandard documentation. Often building consents require information from other specialists, they can come in the form of producer statements or formal reports.

Producer statements, calculations and professional opinions maybe required to support the design of any Specific design elements. Commonly known as

PS1 Producer statement used to support the design of engineer designed elements.

PS2 Review from independent expert of engineer designed elements.

Producer statements are professional opinions which could be used to support an alternative solution, a unique design feature or any other construction that falls outside the acceptable solutions.

The BCA reserves the right to accept or refuse Producer Statements and Other Third Party Attestations as a means of demonstrating compliance with the provisions of the NZ Building Code. These will be accepted solely at the discretion of the BCA.

Likewise, industry-recognised proprietary elements and systems such as garage/carport systems, beams, trusses, brace systems, and farm building systems will be accepted at the discretion of the BCA.

Any application involving an alteration to an existing building or part of an existing building, will be required to provide information on how the building will comply as near as reasonably practicable in regards to escape from fire and access and facilities for persons with disabilities (if required under section 118 of the Building Act 2004). The Information will need to confirm the building will continue to comply with other provisions of the building Code to at least the same extent as before. An example of this could be removing a wall containing bracing elements to then be reinstated in an appropriate/similar location.

If you want to change the use of a building, even if no building work is involved, you need to let us know. You will need to notify us in writing of your intention to change the use of your building. You cannot make the proposed change until we provide written confirmation that the proposed change complies with the requirements of the Building Act.

Depending on the type of change of use you seek, we may need you to provide information around how the building, in its new use, will comply with all aspects of the building code (as near as reasonably practicable) or you may be required to provide information on how the building will comply (as near as reasonably practicable) in regards to escape from fire, protection of other property, sanitary facilities, structural performance, and fire-rating performance and access and facilities for persons with disabilities (if required under section 118 of the Building Act 2004). In any instance the information will need to confirm the building will continue to comply with other provisions of the building Code to at least the same extent as before.

Some applications (generally commercial property developments) are required by law to be sent to the New Zealand Fire Service (NZFS) Design Review Unit for checking. Applications required to be checked by the NZFS are:

- Alternative solution fire design
- Applications that involve a modification or waiver of clauses CI-6, DI, F6, or F8 of the New Zealand Building Code

- Applications that involve an alteration, change of use, or subdivision; and affects the fire safety systems, including any building work on a specified system relating to fire safety, unless the fire safety system is minor

If your application needs to go to the New Zealand Fire Service, Council will action this on your behalf. The New Zealand Fire Service charge for this work.

Each application, whether submitted online or via hardcopy, will be expected to contain at least the following:

- Application
- Record of title
- Plans that are site specific
- Specifications that are site specific (including any manufacturer's specifications for proprietary products)
- Engineering calculations and producer statements that are site specific (if applicable)
- Expert report (Geotechnical, Fire, Accessibility Drainage etc)
- Regional Council flood data (letter or report)
- Licenced Building Practitioner (LBP) Design certification / Restricted Building Work (RBW)
- Wall bracing calculations (if applicable)
- E2 Risk matrix (identifying the weather-tightness features)
- Truss design and design certification
- Compliance schedule information which shall include performance standards for each specified system proposed in the building.

It is very important that the specifications and documentation reflect what is referenced on the plans and are up to date.

This is a guide only and not a comprehensive list; your specific project will determine what is required.

## Do I still need building consent if I have a National MultipleUse approval (MultiProof)?

Yes. National multiple-use approvals (MultiProofs) are issued by the Ministry of Business, Innovation and Employment (MBIE). A MultiProof is a Statement by MBIE that a specific set of building plans and specifications complies with the New Zealand Building Code. Under the Building Act 2004, BCAs must accept a MultiProof as evidence of Building Code compliance. However, a building consent is required each time you want to build a design that has been issued with a MultiProof. This is to enable the Council to check that the approval conditions will be met on the proposed site and that the site-specific features of the design (such as foundations and drainage ) comply with the Building Code. MultiProof applications can up be made online using the AlphaOne online portal.

When processing a MultiProof building consent application, Council has 10 working days to grant or refuse the building consent. The processing involves matters such as checking site conditions, foundations, drainage and utilities (such as water services), planning requirements and confirmation that the proposed design meets the conditions of the MultiProof approval.

If a building consent application involves a MultiProof approval, it needs to include:

- A completed copy of the building consent application form (including a statement of the project value for the whole project, not just the site-specific portion)
- A copy of the MultiProof certificate, which will show any applicable conditions
- A complete copy of the plans and specifications to which the approval relates (these will bear the MBIE's approval mark) and will include any relevant approved customisations the applicant may wish to make — the customisations will be clearly identified to reduce Council processing requirements
- Full details of any site-specific features proposed for the building (such as a site drainage plan or site-specific foundation details)
- Any technical information, calculations and design producer statements or other evidence needed to establish the Building Code compliance of the building's site-specific features. if applicable
- A statement addressed to the Council (using the wording supplied to the applicant by the MBIE) stating that the design for which the building consent is being sought:
- Complies with the approval issued by MBIE
- And meets all the conditions laid out on the Multi-proof approval certificate.

## How is my application processed?

All applications go through a vetting stage. The vetting process is not a technical check; it is merely a check to see if all information has been provided. Your application may be rejected or a vetting request for information issued at this time, if insufficient information has been provided.

Once the application has been vetted for completeness, it is then uploaded to the online processing system and is allocated a unique identifier (this is your building consent number).

Once your application is deemed to be a complete application as defined by section 45 of the Building Act, the 20 working day processing time clock is started. If no vetting RFI is issued, the clock will start at the time you submitted your building consent application.

The consent will be allocated to a building officer with the required competency to process your application. The application is assessed for compliance with the Building Act, Building Regulations and New Zealand Building Code. This frequently involves input from several people, Fire Emergency NZ for example, to cover issues such as drainage, vehicle access, geotechnical and structural stability, fire safety etc. If there are any questions or concerns, an email will be sent to you requesting further information or clarification. When a request for further information (RFI) is sent, the 20 working day time clock is stopped and processing is suspended until all requested information is provided.

When the building officer is satisfied on reasonable grounds that compliance is achieved, and a final check is made to ensure all work has been assessed correctly before the building consent is granted (or refused.) To grant a building consent is to provide you with written approval from us to carry out specific building work on a specific site, which must comply with current regulations. It ensures that the proposed work is safe, durable and doesn't endanger the health and safety of anyone using the building. Once this approval (or refusal) is given, an invoice is generated for the balance of the fees payable (for inspections, code compliance certificate, etc.). Upon payment of these fees, the consent will be issued (or refused). Once the consent is issued work may commence and inspections called for when applicable. Every building consent is subject to the condition that authorised agents are entitled to inspect both the land on which the building work is being carried out and the building work itself.

A consent may be issued subject to section 37 of the Building Act 2004 on it, this is when a resource consent for the building work to take place is required. The Resource consent is processed by the planning team, not the building processing team, and no building work can commence until the Section 37 is lifted.

## How long is my Building Consent valid for?

Once a building consent has been issued, building work can commence. You have 12 months from issue of the building consent to commence work. If work has not commenced, then the building consent shall lapse, requiring a new application for the building work. If work hasn't started within 12 months, contact Council before then to discuss whether an extension may be considered.

24 months following issue of the consent Council has to make a decision whether or not to issue a code compliance certificate. Should it look like your project is going to over that 24-month timeframe, you are advised to contact council's building team to consider what your options may be.

## Amendments to Building Consents

If you wish to make an alteration to an existing building consent, you can apply for an amendment. This is usually after the building consent has been issued and construction has started. Often it is the building inspector who will tell you an amendment is required. Sometimes, if the change is very minor, the inspector will allow a minor variation on site. If a formal amendment is required, this should be uploaded through the AlphaOne online tool by entering your building consent and following the prompts. You will need to provide plans/specifications specific to your approved changes for the building officer to reassess.

The Building Act 2004 requires that the building must comply with the issued building consent. It is therefore important that significant variations from the approved building consent are recorded by the issue of an amendment to the building consent.

When processing is completed, you will receive an invoice for any outstanding fees, following the same process as for a building consent, and your amendment will be emailed out to you.

## What are Building Consent conditions / advice notes?

There will be conditions imposed on your building consent which are deemed necessary to ensure compliance with the Building Act, Building Regulations, or New Zealand Building Code. A condition on the building consent that is always imposed is to undertake the advised inspections. These inspections are determined by the Building Officer processing your building consent. Sometimes, the inspection condition may require a specialist inspection to be undertaken during construction, such as a structural engineering inspection. Other conditions can include Section 113 for limited life or Section 72 for hazards to the land, section 75 amalgamation of titles or section 67 a waiver/ modification to the Building Act or building code. These conditions are imposed on a building consent to confirm the BCA has given reasonable consideration in a certain area when deciding to grant a building consent. The advice notes will also indicate what documentation will be required to be obtained during construction.

## How much will my Building Consent cost?

With the exception of solid fuel heaters and minor works, the total cost of a building consent will depend on the type of application, value of work involved and the level of detail provided. Our charges are based on the length of time it takes to process an application and the inspections required.

An estimate of the fees involved may be provided; however, the final cost will not be known until the application is processed. If you withdraw your application, the time spent on processing the application to the stage it was withdrawn will be charged.

For full fees of all Council-related matters, including Building Consents, the following link is provided.

Whakatāne District Council full fees and charges:

<https://www.whakatane.govt.nz/documents/fees-and-charges>

## Levies

Additional to the charges listed in the Whakatāne District Council fees and charges the following fees below are also charged. These fees are forwarded to the appropriate organisations and not held by council. In most cases they are not refundable after the building consent process has started.

- 1. Building Research Levy**

A levy of \$1.00 for every \$1,000.00, or part thereof, of the project where the value of the project is \$20,000 or greater, this is collected on behalf of Building Research New Zealand.

- 2. Ministry of Business, Innovation & Employment (MBIE)**

A levy of \$1.75 for every \$1,000.00 or part thereof where the value of the project is \$20,444 or greater. This is collected on behalf of the Ministry of Business, Innovation & Employment.

Whakatāne District Council utilises AlphaOne online consent processing. A building consent can be applied for online using this process – follow the prompts through the online tool and upload your documentation.

This option is the most cost-effective way for you proceed with your consent; hardcopy applications will incur additional administration costs.

If your intended project involves subdivision or resource consent, there will be additional fees to this that can be linked to fees for your building consent. The Building Act 2004 states in section 94:4 if development contributions have not been paid, the council can refuse to issue the code compliance certificate.

Please refer to the link above should you wish to check what other associated fees and charges your project may incur.

## What is Restricted Building Work (RBW)?

Restricted Building Work (RBW) applies to most residential building or renovation work, and only a Licensed Building Practitioner can carry out or supervise the work. RBW is work which is critical to the integrity of a building. It makes sure the building is structurally sound and weather-tight, which is why it can only be done or supervised by tradespeople who are Licenced Building Practitioners.

MBIE RBW information: [www.building.govt.nz/projects-and-consents/planning-a-successfulbuild/scope-and-design/choosing-the-right-people-for-your-type-of-building-work/use-licensedpeople-for-restricted-building-work/restricted-building-work/](http://www.building.govt.nz/projects-and-consents/planning-a-successfulbuild/scope-and-design/choosing-the-right-people-for-your-type-of-building-work/use-licensedpeople-for-restricted-building-work/restricted-building-work/)

## What is a Licenced Building Practitioner (LBP)?

Licenced Building Practitioners (LBPs) are designers, carpenters, brick and blocklayers, roofers, external plasterers, site and foundations specialists who have been assessed to be competent to carry out work essential to a residential building's structure or weather-tightness.

Professional engineers, architects, plumbers and gasfitters are treated as LBPs and can carry out some RBW.

A lot of work that requires a Building Consent is RBW, but not all.

MBIE LBP website: [www.lbp.govt.nz/lbp/](http://www.lbp.govt.nz/lbp/) LBP Design form: [www.whakatane.govt.nz/sites/www.whakatane.govt.nz/files/documents/lbp\\_notification\\_form.pdf](http://www.whakatane.govt.nz/sites/www.whakatane.govt.nz/files/documents/lbp_notification_form.pdf)

# What is an owner-builder exemption?

Owner-Builders are able to carry out Restricted Building Work on their own home. You are an Owner-Builder if you:

- Live in or are going to live in the home (includes a bach or holiday home)
- Carry out the Restricted Building Work to your own home yourself, or with the help of your 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 3 years.

Before you can use the Owner-Builder exemption, you need to complete a Statutory declaration as to owner-builder status form showing that you meet the owner-builder criteria.

Statutory declaration as to owner builder status:

<http://geo.rdc.govt.nz/BOPLASS/Tiny/TRIM.aspx?recNum=RDC-253149>

## Inspections

Inspections are carried out at all stages of construction, and they allow us to be satisfied on reasonable grounds that the building work complies with the approved building consent plans and the building code. The grant of a consent is conditional on enabling the building work to be inspected. The inspection is carried out by a building inspector with correct competency to carry out that inspection. The inspector will call the owner or who booked the inspection to confirm the booking before he arrives on site, depending on what the inspection is for they will check ladders and or scaffolding is available before they arrive. Typical inspections could include:

- Foundations, retaining walls and slabs
- Plumbing and drainage
- Framing, including bracing and airseals
- Building wrap, flashings and cladding
- Post line
- Waterproofing on showers, decks (this may also include a flood test), roofs and retaining walls
- The Final when completed building works, including landscaping that affects the ground clearances.

## Inspections by others

Sometimes it is necessary for you to obtain specialists to conduct inspections in addition to the inspections carried out by the Council.

If a specialist inspection is necessary, you will generally be advised in the advice notes that an engineer is required to inspect what they have designed. Typically, these types of inspections may

involve having a geotechnical engineer confirm ground stability, or having an aspect of specific structural design checked by a registered engineer. The engineer should leave engineers' observations for the building inspector, and they will give a producer statement (PS4) for what they have inspected.

Please ensure that you are familiar with what inspections are required before commencing work.

## How to book an inspection

Building inspections can be booked by phoning our Customer Services team on 07 306 0500.

Inspections are carried out Monday to Friday, 8 am to 3:30 pm (excluding public holidays).

For an inspection to take place, the owner or their representative must be available on site together with the approved copy of the plans and specifications. The inspector will call prior to the inspection to confirm the inspection.

Please note: If we arrive on site and the documentation is not available, we will not carry out the inspection. You will, however, be billed for our time.

The inspector will have a tablet / computer to carry out the inspection. This device has all the checklists Councils use preloaded. The inspector will discuss the inspection on site and advise if the inspection has passed, failed or in-progress.

If an inspection has failed, the work to be rectified will be recorded on the inspection report which will be emailed to the owner or their representative. An inspection of the remedial work will be required. If the inspection is recorded as in-progress then work on the project may continue, however further inspections will be needed once the work is completed. The incomplete building work may be referenced in the inspection report.

If the work is not remedied to the satisfaction of the building officer, a Notice to Fix may be issued.

An email of the inspection result will be emailed to the nominated person(s) as per your online consent.

## Do I need a final inspection?

Yes. All building consents require a final inspection.

**Note:** We recommend you complete your building work within two years of the date that the building consent was issued. All Councils have to make a decision to issue or refuse to issue a code compliance certificate in this timeframe.

If you cannot complete the work within this timeframe, it is essential that you contact us to discuss possible options available to you.

When all work has been completed in accordance with the building consent, you must apply for a code compliance certificate.

## What happens if I overlook an inspection?

Missed inspections or work covered up prematurely is likely to result in the Council requiring the work to be uncovered and/or the Council not being able to issue a Code Compliance. If you notice you have missed an inspection, please contact the Building Officer as soon as possible to try and resolve the issue for you.

## What is a notice to fix?

A Notice to Fix is a formal notice issued by the Council advising that certain works have not been carried out in accordance with the Building Code.

If a Notice to Fix is issued, you are required to address the issues identified within a prescribed timeframe to prevent further enforcement action being taken. Enforcement of Notices to Fix is undertaken by the Council.

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

A code compliance certificate is a formal statement, issued under section 95 of the Building Act 2004, that building work carried out under a building consent complies with that building consent.

An application for the code compliance certificate must be made in prescribed form and can be submitted online through AlphaOne or in hardcopy (Form 6, available on our website). The application should be made when you are satisfied the building work is completed.

The BCA has 20 working days from receiving an application to decide whether to issue or refuse to issue your CCC. The BCA may request further reasonable information in respect of the application, suspending this statutory period until the information is received.

If an application is not made within 2 years of the consent being granted, or before the expiry of any agreed extension, the BCA has 20 working days from this time to make a CCC decision.

Documentation required to support a CCC application is listed under Section 92 of the Building Act 2004 (the Act). Examples include:

- records of work provided by licensed building practitioners, if applicable
- a current manufacturer's certificate for any applicable modular component
- an energy works certificate, if applicable

For further information you can refer to Section 92 of the Building Act 2004.

Further reasonable information may be requested to enable us to make the CCC decision, and this could include;

- Producer statements (PS4s) from experts (engineers etc.) along with site observations
- Producer statements construction (PS3s) and product warranties
- Plumbing and drainage producer statements, including pressure test
- As-built drainage plan

Your project determines what documents are required, and the inspector may ask you to provide these documents during the inspection process. Your building consent advice notes will provide some guidance to what documentation will be required to accompany your application.

The documentation is checked and verified before Council can accept it. This can involve checking the tradespeople credentials, i.e., that they can do what they are certifying.

If the officer processing the CCC is satisfied on reasonable grounds that work complies with the consent, that any new or altered specified systems are capable to performing to the required standards and all required and supporting documents have been provided a decision to issue the CCC will be made. If any additional fees, levies or Development Contribution are payable, these will be invoiced and the CCC will be issued upon receipt of payment.

If we cannot be satisfied the applicable criteria has been met we may decide to refuse to issue the CCC.

If we refuse to issue a CCC we will clearly outline the reasons why. A decision to refuse does not mean you are unable to reapply when you are satisfied the building work is completed.

If we are unable to issue your CCC due to consented work not being completed, you can continue your build and contact us when you're ready for inspections. Once you're done, apply for the CCC and decision process will start again.

If we are unable to issue your CCC due to required documents not being provided, please send them through to us and reapply for the CCC.

If you require further clarification of the reason for refusal, get in touch.

Getting a Code Compliance Certificate is beneficial for property owners in a number of situations:

- For safety and peace of mind that your house meets the requirements of the building code
- When selling your home
- When applying for loans and finance, to use your house as collateral □ When applying for house insurance.

## What about issuing CCCs for Building Consents issued under the 1991 Act?

Building consents issued under the Building Act 1991 still require to have a code compliance certificate to confirm the building work complies with the Building Code. In the Building Act 1991 there was no time limit as to make the CCC decision; the act stated while reasonable progress was being made, the building consent remained active.

If you have a consent issued under the 1991 Building Act that does not have a code compliance certificate, the first step would be to contact us. We will review the information we have on file and offer guidance on the process to obtain the CCC.

As the consent is more than five years old, if we are able to issue your CCC, it is likely we would amend the consent to modify clause B2 of the Building Code. This clause relates to Durability. You can ask the building inspector about this or speak to the duty building officer if you wish know more.

Should the Council refuse to issue a CCC, and you consider that this is not justified, then you may wish to approach the MBIE and obtain a determination.

## What is a Determination?

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

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

## Applying for a determination

To apply for a determination, you will need to fill in Form DI and Part 1 of Form 02, which are available on MBIE's website.

MBIE- apply for a determination: [www.building.govt.nz/resolving-problems/resolutionoptions/determinations/applying-for-a-determination/](https://www.building.govt.nz/resolving-problems/resolutionoptions/determinations/applying-for-a-determination/) Follow the online prompts.

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

MBIE has 10 working days from receiving the application to decide whether to make a determination. If affirmative, the final determination is required to be issued within 60 working days of receiving the application, or longer if agreed to by the parties.

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

## *Building work that may need to be done before a determination is issued*

If you have been issued a Notice to Fix about work that is unsafe, you must comply with this notice. Apart from unsafe work, the Council can't require you to carry out building work related to the determination unless the MBIE agrees this is needed.

## Complaints

### Complaints Policy

The Whakatāne District Council Building Consent Authority (BCA) values its customer feedback and is committed to ensuring our community have the best possible experience. If you are unhappy with any aspect of our service as a BCA you can lodge a complaint.

All complaints are taken seriously and every effort will be made to resolve the issue. All feedback will be used and an opportunity to learn and improve our services.

### What is a complaint?

An expression of dissatisfaction by one or more BCA customers, citizens and ratepayers about the BCAs:

- Action or lack of action,
- Decision, or
- The standard of service provided by or on behalf of the BCA

Where a response or resolution is explicitly or implicitly expected

A complaint is not:

- A request for routine services, but a complaint may result in a request for service
- A request for readily available information
- Allegations against a contractor or staff member for serious misconduct such as sexual harassment, fraud or assault
- Matters for which there is a right for appeal and/or legal remedy

### What is a suggestion?

Feedback about the BCA's actions, decisions or services provided where a response is not expected.

### How to make a complaint

You can make a complaint in person, however you must also provide it in writing. Complaints not made in writing or made anonymously will not be actioned.

Complaints should be addressed to:  
Manager Building and Environmental Services  
Whakatāne District Council  
Private Bag 1002  
Whakatāne 3120

Or, they may be emailed to [info@whakatane.govt](mailto:info@whakatane.govt) to the attention of Manager Building and Environmental Services

Or by using the [“Complaints Form”](#) found on Whakatāne District Council’s website

We ask that you provide us the following information:

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

### **Review and response; our service standards & complaint prioritisation**

Your complaint will be reviewed to determine its seriousness and we will acknowledge receipt of your complaint within two working days

Complaints of a serious nature, for example an issue that poses significant risk or is complex in nature, where the volume of complaints is significant, misconduct or the BCA’s organisational reputation is at risk, will be actioned within five working days.

Complaints of a less serious nature will be actioned within 20 working days.

We will ensure that proposed remedies are proportionate to the issues raised.

### **Our principals**

#### **To ensure complaints are dealt with consistently, objectively and fairly the BCA will:**

- Try to see things from the customer’s perspective, to understand and address why they think the BCA was wrong
- Resolve the complaint as close to the point of service delivery as possible
- Treat complaints with priority and give timely response
- Communicate in a way that is easy to understand
- Be fair and act with integrity
- Take a genuine, fresh look at the issues raised
- Not be defensive

- Ensure that the issues raised are assessed on their own merits
- Acknowledge mistakes and put them right if possible
- Manage complaints in accordance with the defined and agreed processes and procedures
- Actively manage any customer conduct that negatively and unreasonably impacts on the organisation and staff
- Educate staff to apply the policy, processes and procedures for complaints resolution.

We will also

- Maintain a centralised register of all complaints, suggestions and compliments
- Be mindful of the need to minimise customer effort
- Learn from complaints and use this knowledge to improve how things are done

Complaints will be handled with discretion.

## Other useful information that may be relevant to your building work

### What is a Certificate of Acceptance? (COA)

When building work that requires a building consent is carried out without the approved consent, the owner of the property may apply for a Certificate of Acceptance. Sections 96 – 99 of the Building Act 2004 cover this fully and state the criteria, which all councils have to comply with.

In some instances, work that requires a building consent has to be carried out in an emergency to protect life or property; Council will advise you to apply for a Certificate of Acceptance for this work. Whakatāne District Council utilises the AlphaOne online portal, and your application can be made this way by following the online prompts. The Council also has a prescribed form for you to apply for a COA if you do not have access to a computer; an application made this way may be more costly, as Council will have to digitise the application to process it.

COA application online:

[www.whakatane.govt.nz/sites/www.whakatane.govt.nz/files/documents/form\\_8\\_application\\_for\\_certificate\\_of\\_acceptance.pdf](http://www.whakatane.govt.nz/sites/www.whakatane.govt.nz/files/documents/form_8_application_for_certificate_of_acceptance.pdf)

The same rules as a building consent application apply, as in having 20 days to process the application after it is received and being able to put the application on hold if additional information is required. There are fees and charges for processing the COA application that are listed in the fees and charges section above.

Council may refuse to issue a COA if it cannot be satisfied the work has been carried out in accordance with the appropriate Building Code or standards. You will be advised in writing of the reason(s) for refusal.

## What is an Extension of life in regards to Section 116 of the Building Act 2004?

Most buildings have a life of 50+ years however, a building may have a limited life. If you are intending to extend the life of the building, for example continuing to use the building beyond its specified life, then you will need to apply for a building consent to demonstrate the building will continue to meet the requirements of the Building Code and Section 112 of the Building Act 2004, in regards to the new life span.

If the building is to have a less than 50 year life expectancy Section 113 of the Building Act 2004 applies.

## What may be required when you subdivide your property in regards to Section 116A of the Building Act 2004?

If you are thinking of subdividing your property in accordance with the Resource Management Act 1991, and the proposed boundary will run through a building, then you will be required to provide information to the council to demonstrate that the building will comply with the building code as near as reasonably practicable in regards to means of escape from fire, access and facilities for persons with disabilities and protection of other property. Information will also need to confirm the building will comply the same extent it did before the project is undertaken. You will need to apply for a building consent to undertake any work that is required to demonstrate this before a 224(f) certificate under the Resource Management Act 1991 (completion certificate) for your subdivision can be issued.

It is recommended that you discuss any proposals to subdivide your property with the planning team, and to check against the rules in the Whakatāne District Council District Plan

## What is a Certificate of Public Use? (CPU)

If your building is open to the public, whether for free or payment of a charge, the building cannot be used or occupied until a CCC is issued. The reason for this is public premises will generally have specified systems within the building which contribute to life safety and well-being of the building use. Specified systems are building components listed on a compliance schedule, which require ongoing maintenance critical to the health and safety of building occupants. Examples include fire sprinkler systems, lifts, audio loops, and smoke separations.

In certain circumstances it may be possible to apply for a Certificate for Public Use which will allow a building or part of the building to be used before the CCC is granted. Each application will be considered on a case by case basis. You may wish to discuss the option with the building inspector on site if the building consent live, or with a building officer to check if your project may require a CPU.

## *What are public premises*

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

- Shops, shopping malls, banks
- Cinemas, churches
- Maraes
- Camping grounds
- Offices, retail complexes, restaurants
- Some garages, workshops

For a more detailed list, refer to Schedule 2 of the Building Act 2004.

## What is a compliance schedule?

A compliance schedule is a document issued by the Council for buildings that contain specified systems. Refer sections 100 -111 of Building Act 2004 for the full requirements as per the Act.

MBIE has a publication called the Compliance Schedule Handbook, which provides all the information you need to know about compliance schedules and specified systems requirements.

MBIE link to Compliance schedule hand book: [www.building.govt.nz/building-codecompliance/building-code-and-handbooks/compliance-schedule-handbook/](http://www.building.govt.nz/building-codecompliance/building-code-and-handbooks/compliance-schedule-handbook/)

*There are 16 specified systems, and they are:*

- SS 1 automatic systems for fire suppression
- SS 2 automatic or manual emergency warning systems for fire or other dangers
- SS 3 electromagnetic or automatic doors or windows
- SS 4 emergency lighting systems
- SS 5 escape route pressurisation systems
- SS 6 riser mains for use by fire services
- SS 7 automatic back-flow preventers connected to a potable water supply
- SS 8 lifts, escalators, travelators, or other systems for moving people or goods within buildings
- SS 9 mechanical ventilation or air conditioning systems
- SS 10 building maintenance units providing access to exterior and interior walls of buildings
- SS 11 laboratory fume cupboards
- SS 12 audio loops or other assistive listening systems
- SS 13 smoke control systems
- SS 14 emergency power systems for, or signs relating to, a system or feature specified in any of SS 1 to SS 13 above
- SS 15 other fire safety systems or features (systems for communicating information intended to facilitate evacuation, final exits, fire separations, signs, fire separations)

- SS 16 cable cars

The last specified system, SS16 cable cars, is the only specified system in a residential dwelling. This is because the public access the dwelling as the main route in from the road or the footpath. If an owner decides to sprinkle the house, it is the owner's responsibility to maintain, as the house is not a public place of gathering like a shopping mall or a restaurant.

Upon application of building consent the building owner must identify the specified systems required as a result of the proposed work. The Compliance Schedule will be issued in tandem with the CCC at completion of the project, along with a Compliance Schedule Statement which is valid for the first 12 months in lieu of a Building Warrant of Fitness.

An application for a new compliance schedule should be made as the building consent is uploaded into Council's AlphaOne online processing.

A compliance schedule is issued when the CCC is issued for a new building.

A compliance schedule lists the systems and features, including the inspection, maintenance and reporting procedures needed to keep them in good working order. A compliance schedule must be kept on site and made available to building officers, Independent Qualified Persons (IQP), LBPs, Fire Service, and other authorised agents

## What is a compliance schedule statement?

A compliance schedule statement is also issued with the compliance schedule. A compliance schedule statement states the specified systems contained in the building and notes where the compliance schedule is kept. It is not a statement about the performance of the specified systems listed. A compliance schedule statement is issued on Form 10 of the Building (Forms) Regulations 2004 by the territorial authority. It is required to be publicly displayed for 12 months after the compliance schedule is issued.

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

A BWof is required where a compliance schedule has been issued for a building. A BWof verifies that the inspection, maintenance and reporting procedures for all the specified systems within a building have been carried out in accordance with the compliance schedule for the previous 12 months. The BWof must be prepared in accordance with the prescribed form (Form 12) in the Building (Forms) Regulations 2004. Section 108 of the Building Act requires that a BWof must:

- Be supplied on each anniversary of the issue of the compliance schedule
- State the location of the compliance schedule and associated compliance schedule reports
- State that the inspection, maintenance, and reporting procedures have been fully complied with during the previous 12 months
- Have attached to it all Form 12A certificates issued by IQPs for the specified systems
- Have attached to it any recommendations from an IQP to amend the compliance schedule on the prescribed Form 11.

The owner must display a copy of the BWoF in a place in the building where it can be seen by building users. If a BWoF is not displayed when required, or a false or misleading BWoF is displayed, or a BWoF is displayed in a manner not in accordance with section 108 of the Building Act, the owner is liable for a fine of up to \$20,000.

### *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 \$20,000 to a maximum of \$200,000.

## What is an independent qualified person (IQP)?

An IQP is a person who has no financial interest in a given building and is accepted by the Council as being “appropriately qualified” to inspect and maintain a given specified system. All IQPs are required to be registered with the Council. Whakatāne District Council utilises the IQP list available on the Hamilton City Council website.

Link to Hamilton City Council IQP register: [www.hamilton.govt.nz/our-services/building-consentsand-information/Pages/IQP.aspx](http://www.hamilton.govt.nz/our-services/building-consentsand-information/Pages/IQP.aspx)

## Dams

### *Do I need a building consent for a dam?*

Yes. All dams retaining three or more metres depth and holding more than 20,000 litres of water or other fluid require a building consent.

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

Yes. Two PIMs are required. One is issued by Whakatāne District Council and the other by Bay of Plenty Regional Council, as each authority holds different information in relation to properties. You will need to get in touch with the Bay of Plenty Regional Council to discuss building consent requirements for dams.

## Other useful links

Check if your plumber, drain layer or gas fitter is registered: [www.pgdb.co.nz/search/public-register.html](http://www.pgdb.co.nz/search/public-register.html)

Check if your electrician is registered: [www.ewrb.govt.nz](http://www.ewrb.govt.nz)

Check if your architect is registered: [www.nzrab.nz](http://www.nzrab.nz)

Check if your surveyor is registered:  
[www.surveyors.org.nz](http://www.surveyors.org.nz)

Check if your engineer is registered: [www.registrationauthority.org.nz](http://www.registrationauthority.org.nz)