

## Building Act 2004 31 March 2005 changes

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### Changes to the Act Q & A

<p><b>I want to know what is happening.</b></p>	<p>There is a new Building Act. Right now it means some changes to building consents and inspection processes that come into force on 31 March 2005. The Building Code is the same as before, and the process of getting a consent and then having the work inspected is the same as before. The new Act introduces some changes in how things are done.</p>
<p><b>When are the changes happening?</b></p>	<p>Over several years. The Building Act started in November 2004, but many measures do not come in for months or years.</p> <p>Changes related to building consents and processes take effect on 31 March 2005.</p>
<p><b>What are the main things that are changing?</b></p>	<p>The new laws give a stronger framework for each stage of building or renovating. The basic processes are the same – there are still building consents, warrants of fitness and so on. What has changed, though, is many of the procedures around the measures, including the processing timeframes.</p> <p>There is a new building consent application form. It asks you to specify how your project meets the requirements of the Building Code, and you'll probably need more supporting detail in your application. If you want to see an example of a completed application form, visit <a href="http://www.building.govt.nz">www.building.govt.nz</a>.</p> <p>The other important change is that a Code Compliance Certificate (CCC) can now only be issued if your building work has been done in accordance with your building consent. This means that it's very important that you build to the plans. If you want to change either the design or the materials, you need to get the building consent amended <u>in advance</u>.</p> <p>If you build household units and then sell them, you'll need to know that you can't complete the sale until you get a CCC. Complete the sale means accept final payment and transfer the title.</p> <p>More about this is explained on the <a href="http://www.building.govt.nz">www.building.govt.nz</a> website.</p>
<p><b>What is happening to building consents?</b></p> <p><b>Will there be processing delays?</b></p>	<p>Currently it's taking us [number of] days to process a building consent.</p> <p>The new Building Act requires us to be much more detailed in checking building consent applications. There is a new application form and you must show how your project will meet the standards of the Building Code.</p> <p>If your application form is filled in correctly and has enough detail about what you are going to do and how it complies with the Building Code, then it will be quicker and easier to process.</p> <p>The new form is available at Council office or the web: <a href="http://www.adc.govt.nz/forms">www.adc.govt.nz/forms</a>.</p>
<p><b>Is it harder to get a building consent?</b></p>	<p>No. You will have to give more detail about the project that you want to do, but the new laws means there's more checking of the consent application to make sure that things are done right at the beginning of the process.</p>

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<b>What is happening to inspections?</b>	Inspections needed for your building project will be listed on your building consent. There could be more than usual. But, you might find that we examine things in more detail than before. When we do come on site, please make sure you've got your approved plans and your original building consent handy. No plans, No inspection! We are asking a minimum 24 hours notice to arrange an inspection.
<b>Are there going to be new charges?</b>	<p>The new Act requires that Council's are more thorough in how they monitor building work and this will increase our workload and may result in an increase to some charges.</p> <p>But getting it right first time is cheaper in the long run.</p>
<b>What else is changing?</b>	<p>The Act introduces a number of major changes that are coming in over five years. The introduction started in November last year and will finish in November 2009 when builders will need to be licensed to do certain work.</p> <p>The main thing you need to understand is the new requirements around consents and inspections that come in on 31 March.</p>
<b>Where can I get more information?</b>	<p><a href="http://www.consumerbuild.org.nz">www.consumerbuild.org.nz</a> This is a new website set up by the Department of Building and Housing in partnership with the Consumers' Institute that explains the building and renovating process.</p> <p>Otherwise, try the Department of Building and Housing website. They have a lot of information you can download. It's <a href="http://www.building.govt.nz">www.building.govt.nz</a>.</p> <p>There are leaflets and a booklet available from council offices that explain what you need to know and your rights and responsibilities.</p>

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### People with building project underway

<p><b>I've got a project underway now, how will this affect me?</b></p>	<p>Are you are a spec builder or residential property developer? (That's someone who builds household units for the purpose of selling them.)</p>	
	<p><b>NO</b>                  If you got your building consent before 31 March 2005 and you're building now there are transition provisions in the new Act that apply to you.</p> <p>Basically, you won't experience any major changes in the process. But you do need to know that your code compliance certificate will be issued according to the Building Code in place at the time your building consent was issued, not against the Code in place at the time of the inspection.</p> <p>In reality this shouldn't make much difference to how you do this job, but please be aware there's a new building consent application form and the new requirements mean you might have to do things differently on your next job.</p>	<p><b>YES</b>                  The important thing to know is that you can't sell the property (that is accept final payment and transfer the title of the property) without a code compliance certificate. Your lawyer will be able to explain this to you in detail.</p> <p>Other than that, if you got your building consent before 31 March 2005 and you're building now, there are transition provisions in the new Act that apply to you.</p> <p>Basically, you won't experience any other major changes in the process. But you do need to know that your code compliance certificate will be issued according to the Building Code in place at the time your building consent was issued, not against the Code in place at the time of the inspection.</p> <p>In reality this shouldn't make much difference to how you do this job, but please be aware there's a new building consent application form and the new requirements mean you might have to do things differently on your next job.</p>
<p><b>What about the new weathertightness requirements?</b></p>	<p>New weathertightness standards are relevant for all buildings consented after 1 July 2005.</p> <p>If you got your building consent before then, you still need to be able to prove that your building work meets Building Code requirements.</p>	
<p><b>What about inspections?</b></p>	<p>You will still need to arrange all the inspections listed on your building consent. At the moment we need a minimum of 24 hours' notice to book an inspection.</p>	
<p><b>I've been issued a notice to fix – what's that?</b></p>	<p>The notice to fix is the new name for the old notice to rectify and is issued when there has been a breach in building controls, related to the Building Act, the Building Code or regulations. You need to do what is specified on that notice to get your building project back on track.</p>	

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### General enquiries

<b>What is going on with this new Act?</b>	<p>The new Building Act has been introduced to strengthen the building controls system and make sure buildings are built right first time.</p> <p>The Act will be introduced over the next five years. It brings a range of changes, including the new processes for building consents and inspections that came into effect on 31 March this year.</p> <p>If you want to know more about what's in the Building Act visit <a href="http://www.building.govt.nz">www.building.govt.nz</a>.</p>
<b>Is this all because of leaky buildings / weathertightness?</b>	<p>The problems behind leaky buildings were considered in developing the legislation, but the Building Act is about more than that.</p> <p>It is about strengthening the checks and balances in building and construction to make sure that only people with the right skills are involved in the industry. It makes sure that buildings are built right first time. And it gives more consumer protection.</p>
<b>What about DIYers?</b>	<p>The Act introduces a licensing system for designers and builders that comes into effect in November 2009. From then, some work will need to be done or supervised by a licensed builder.</p> <p>DIY renovators will be able to continue to carry out any work that falls outside the restricted work category. Not all building work will be restricted, only work that needs a building consent and is either structurally important or might be a health and safety risk if it's not done properly.</p> <p>They will also be able to do restricted work as long as they are supervised by a licensed building practitioner.</p> <p>There are already limits on what people can do in terms of electrical work or plumbing and gas fitting work to protect public safety.</p> <p>For many New Zealanders their most significant asset is their home. Homeowners – and also those who buy the house in future – need to be sure the work on it has been done properly.</p>
<b>What about licensing for builders?</b>	<p>There is going to be a licensing scheme for designers, builders and some specialist trades. From 30 November 2009, certain building work will have to be either done or supervised by someone with a licence.</p> <p>This work hasn't been defined yet, but if you want more information go to <a href="http://www.builders.govt.nz">www.builders.govt.nz</a> or 0800 60 60 50.</p>
<b>What are BCAs?</b>	<p>A BCA is a building consent authority. That is an organisation that processes building consents, does inspections and issues code compliance certificates. All councils now offer a BCA service.</p> <p>After November 2007, councils will have to go through a quality accreditation process and be registered with the Department of Building and Housing to confirm that we are capable of offering a good quality service.</p>

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<b>Why is the levy going up?</b>	<p>Local government doesn't control the levy, councils collect it for the Department of Building and Housing. It means that they will take a more robust approach to ensuring buildings are built right first time.</p> <p>It pays for activities like checking new building products and issuing warnings if there's a problem, making sure that people who are building, issue building consents and doing inspections know what they are doing. It also gives the Department of Building and Housing greater capacity to crack down on people operating in the building sector who are breaking the rules.</p>
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### Building owners / managers / body corporate queries

<b>My building needs an annual building warrant of fitness. What's changed?</b>	<p>There have been some minor changes to Building Warrants of Fitness. Council will tell you what reports it would like you to provide when your building's Warrant of Fitness is due to be renewed.</p>
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### Certificates of acceptance

<b>I want to know about certificates of acceptance.</b>	<p>Certificates of acceptance are new.</p> <p>If you are in the position of being unable to get a code compliance certificate or CCC, or you have unconsented building work, certificates of acceptance are a way to confirm that all, or part of the building work – the parts the inspector was able to check - complies with the Building Code.</p> <p>You need to understand that certificates of acceptance are granted at the council's discretion, and they only apply in certain circumstances, such as urgent work completed without a building consent. Leaflets that explain this in more detail are available at the Council Offices.</p>
<b>What circumstances can you apply for a certificate of acceptance?</b>	<p>If you did the work without a building consent after July 1992 (that's the date building consents were introduced), or if your property was inspected by a private building certifier that went out of business or refuses to issue you a CCC.</p>
<b>My house has got some work done on it that never had a building consent. Can I get a certificate of acceptance?</b>	<p>If the work was done after July 1992 you can apply. That's because building consents were not required before this date.</p>
<b>I have never got a CCC for my house and now the council won't give me one. Can I get a certificate of acceptance?</b>	<p>It really depends on why you do not have a CCC. The Act is very clear about the circumstances that certificates of acceptance can be issued.</p> <p>We can send you a leaflet with further information, or if you want to talk to someone about your options I can take your details and have someone call you back.</p>
<b>Is it worth getting a certificate of acceptance?</b>	<p>Certificates of acceptance confirm that to the extent the work could be inspected, it complies with the Building Code. This will vary depending on your circumstances and the actual building project.</p>

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<b>How do I apply for a certificate of acceptance?</b>	A form is available at Council office or the web: <a href="http://www.adc.govt.nz/forms">www.adc.govt.nz/forms</a> .
<b>Is it still an offence to do work without a building consent?</b>	<p>Yes. It is an offence to do building work without consent. The type of work that requires a building consent is similar to the old legislation.</p> <p>Depending on the situation, the council might issue a notice to fix or prosecute.</p>