Public Information on PIM, Building Consent, Inspections & Building Work Certification

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; and
- buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and
- people who use a building can escape from the building if it is on fire; and
- buildings are designed, constructed, and able to be used in ways that promote sustainable development.

To achieve this purpose, the Act says that anyone proposing to do building work should obtain a project information memorandum (however, not mandatory) and a building consent from a Building Consent Authority before commencing building work.

Who administers the Building Act?

The Ministry of Business, Innovation & Employment http://www.mbie.govt.nz/ is the government department responsible for administering the Building Act 2004.

What is a Building Consent Authority?

Building Consent Authorities are Regional or Territorial Authorities or private organisations registered under Section 273 of the Building Act 2004, and are responsible for performing building control functions under Part 2 of the Act. Ashburton District Council is a local Territorial Authority that has been accredited as a Building Consent Authority – herein referred to as Council.

What is a Project Information Memorandum?

A Project Information Memorandum (PIM) is a memorandum issued by the Territorial Authority (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 for

- erosion
- falling debris
- subsidence
- slippage
- the presence of 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).

A Project Information Memorandum also identifies any additional approvals required such as

- Resource Management Act
- Heritage New Zealand Pouhere Taonga (heritage buildings / sites)
- Fire and Emergency New Zealand

The memorandum 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

A Project Information Memorandum does not give any form of approval under the District Plan or Building Act, it is information only.

Contact the Planning Department, or your own planning adviser, to determine whether your proposal complies with the District Plan. If it does not, a resource consent may be required. You are strongly advised to obtain this before seeking building consent to avoid possible expensive changes to your proposal.
The PIM will confirm compliance with the District Plan, and any relevant bylaws and as such identify any requirements under s37 (Resource Consent required).
Any notices raised are included with the PIM and sent to the Agent/Applicant.

Section 37 (Resource Consent Requirement)

A Section 37 notice will be issued if your project triggers the requirement for resource consent. This will be issued with your PIM document. This will include information on what part of your project requires a resource consent. You will be unable to begin work until the Section 37 notice has been resolved by the Planning Department.

If your proposed building is sited over a boundary/occupying more than one allotment, it will be noted on the PIM document that a Section 75/78 condition is required. For more information visit the MBIE website.

Do I need a project information memorandum?
Obtaining a PIM is voluntary, however information provided in a PIM maybe useful when designing your project. Council recommend that you apply for a PIM. A PIM can be applied for separately or in conjunction with your building consent.

How to apply for a PIM
An application for a PIM must be made on the PIM/BC application form which is available from our council office/s or our website http://www.ashburtondc.govt.nz/. This form must be completed in full, signed and dated before being submitted.

Documentation required
All applications must be accompanied by;

- site plan,
- floor plan,
- building elevations
- Certificate of Title or Sale and Purchase Agreement (proof of ownership)

Please note electronic applications are preferred, if you are supplying a hard copy application you may be charged a scanning fee as per our Fees and Charges.

How long does it take?
Council is required to issue the PIM within twenty (20) working days of application being received, however, depending on workloads, this may be earlier.

NB: Providing all fees are paid, the PIM will be sent 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.

Sometimes it may be necessary for 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.

What is a building consent?
A building consent is the formal approval issued by a building consent authority (BCA) that certain works meet the requirements of the New Zealand Building Act, Building Regulations and 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 work is exempt under the Act.

Exempt work is listed on Schedule 1 of the Building Act 2004. This may be viewed on the web on https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/

When is a building consent required?
A building consent is required for most work including:

- Structural elements of a building - additions, alterations, re-piling
- Plumbing and drainage (except repair and maintenance of existing (using comparable) components)
- Relocating a building
- Installing a wood burner or commercial air-conditioning system
- Retaining walls higher than 1.5 metres
- Fences or walls higher than 2.5 metres, and all swimming pools/spas and their associated fences
- Decks, platforms or bridges more than 1.5 metre above ground level
- Sheds/sleepouts greater than 10 square metres in floor area

For guidance or further information please contact customers services on 03 307 7700
Examples of work that does not require a building consent:

- A patio or deck at ground level
- Garden trellis less than 2 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^2, and is single storey)
- Carport under 20 square metres

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, however; if information is deficient the time clock is stopped and a formal request will be made for further information. The time clock is restarted when the requested information is received.

It is possible that your building consent application requires checking by several disciplines; it is possible therefore, that the clock maybe stopped on more than one occasion.

How do I apply for a building consent?
As per section 45 of the Building Act 2004, you must apply for a Building Consent on the correct application form, Form 2, provide plans and specifications and relevant application fees. The detail required of all plans, specifications & supporting information can be found within both the Residential and Commercial Checklists which are located on our website. You will need to complete a BAM002 PIM BC application form

Application forms can be obtained from:

- our website, or
- Council's office at 2 Baring Square East or
- alternatively call us and we will post you one out

Once you have gathered all the necessary information you can either apply on-line via our website, post in the application, email your application and documentation to building@adc.govt.nz or bring it in personally to our council office.

On receiving your application customer services will carry out a pre-acceptance check to ensure that the application has been completed in full, has been signed and dated and that minimum requirements for documentation has been provided. An application fee made up of PIM and or Administration fees will also be required at this stage.

Your application will get a non-technical vet. During this process, we will carry out an assessment of the information provided to determine whether or not there is enough information to process the building consent. If your application is declined, it will be returned with a list advising the type of information that is required.

How long is my building consent valid for?

Once a building consent has been issued, work must begin within 12 months and adhere to the approved building plans. If work is not started before 12 months the building consent will lapse and becomes null and void, and you must reapply for a new building consent. If you don't think you are going to be able to start work before 12 months you can apply to the Building Services Manager for an extension of time. If an extension is granted fees apply as per our fees and charges.

Council must make a decision to issue a Code Compliance Certificate after 2 years from the date issued. This decision does not prevent you from completing the work and council revising that decision at a later date.

What sort of information do I need?

Building consent applications can be complex; we recommend that you engage a professional person to help with design work and drawings.

Each application must be accompanied by the following:

- Plans (including site, foundation, plumbing and drainage, floor, elevations, cross sections,
- Memorandum of Design from Licenced Building Practitioner for design
- Framing details
- Roof truss design including layout plan, fixings and specific design for lintels where required
- Construction details with all materials, fixings etc noted.
- Written Specifications
- Engineering details, calculations and producer statement (if applicable)
- Bracing design including calculations, schedule and layout plan (if applicable)
- An E2 risk matrix (demonstrating weather tightness features) if applicable
- Ground condition report (if applicable)
- Solid Fuel Heaters – Manufacturer's specifications and installation instructions (if applicable)
- Sediment Control Management Plan – Site location will dictate whether this is required
- Fee
- Fire Report (Commercial only)

For more detailed requirements refer to the building consent checklist, BAM 002-R (residential) or BAM 002-C (commercial).

Specified Intended life of a Building

In general, most buildings have an indefinite specified intended life (Exceeding 50 years). The intention of addressing a specified intended life of a building is to provide for the buildings that may only be onsite for a short term and therefore not having an 'indefinite' lifespan – i.e. Portacoms.

Section 116 – Code compliance requirements: extension of life
An extension of life of a building can be obtained upon a request from the Owner of a building. If the building with a specified intended life is issued with building consent and is subject to the condition that the building be altered, demolished or removed, before the expiry of its specified intended life, an extension can be requested. The Territorial Authority will then determine if they are satisfied on reasonable grounds that the building can sufficiently perform for the proposed request for extension of specified time.

Section 116A – Subdivision of existing building
When a sub-division takes place under Section 224(f) of the Resource Management Act 1991, access for people with disabilities (if required), fire and protection of other property must all comply with the Building Code as nearly as reasonably practicable.

Section 112 Alterations
If you are applying for a building consent under Section 112 alterations to existing buildings, it must comply as nearly as is reasonably practical with the provisions of the building code that relate to, escape from fire and access and facilities with persons with disabilities and continue to comply with other provisions of the building code to at least the same extent as before the alteration.

How much will it cost?
Fixed fees are available for the following types of applications:

- Demolition (Residential) – exempt under three storeys and stand-alone
- Marquees (Maximum of 3 marquees per application)
- Heating Appliances
- Solar Hot Water Heater (Stand Alone)

If your project does not meet the fixed fee criteria then the cost will depend on the type of application, value of work involved and the level of detail provided. Our charges are listed on our website (Schedule of Fees and Charges). Generally the cost of processing a building consent is time-based. The quality of the information provided at the time of application will affect the overall fees (i.e. low quality drawings and details will take longer to process, raising the cost).

For a break down on fees please refer to our Fees and Charges listed on our website.

For all methods of payment please see the bottom of any issued invoice

Development Contributions made up of network and/or Community Infrastructure Levies may apply to some projects – Refer to our Fees and Charges for an outline of Development Contributions.

An estimate of the fees involved may be provided, however the final cost will not be known until the application is processed. A cancellation fee may apply if you withdraw your application.

Building Levies
An applicant for a building consent is liable to pay to a Levy to MBIE under Section 53 of the Act if the consent is equal or more than $20,444.00. Council also charges a Levy on behalf of BRANZ for a consent valued equal to or more than $20,000.00.

What are Development Contributions, when do they apply and when are they charged?
Development Contributions are charges on new developments collected to help fund the costs of providing Council services in a growing community.

You will need to pay a Development Contribution if your project increases the demand on council-provided water or wastewater networks, or community facilities and is:

- A residential development for a new house, apartment or other residential unit or
- A non-residential development for a new commercial, retail or industrial unit or
- A new connection to Council water or wastewater networks, or
- A development which changes the use of the property which results in an increased demand on Council water or wastewater networks.

Development Contribution charges are invoiced when:

(a) A building consent for a new residential or non-residential unit is uplifted, or
(b) An application to connect to a Council water or wastewater network is made, or
(c) Council deems a change of property use has occurred resulting in an increased demand for service for water or wastewater services.

Development Contribution charges are payable:

- For items (a) and (c) above, by the 20th of the month following the invoice date
- For item (b) above, with the application for a new connection to Council water or wastewater services.

If an invoice remains unpaid outside of the terms of the invoice, Council will undertake normal legal action to enforce payment. In addition, if Development Contributions have not been paid Council is able to withhold the following:

- A Code of Compliance Certificate
- A connection to a Council water or wastewater network
- A certificate issued under Section 224 (c) of the Resource Management Act 1991
- Commencement of a resource consent under the Resource Management Act 1991

Detailed information is available here

How do I lodge an application?

You can lodge your building consent on-line, in person, via email or via post. We recommend that you lodge your application via email to Building@adc.govt.nz

How is my application processed?

All applications regardless of how they are received are put through a non-technical vetting process. Your application maybe rejected at this time if insufficient information has been provided.

Once the application has been accepted, it will be entered into our processing system and allocated a unique identifier (your building consent number). The 20 day statutory clock is started at 8am the following working day.

The application is then circulated to the various disciplines within Council for processing, i.e. Planning, engineering, building, water, drainage, etc.

Each discipline will review your application and assess it for compliance. If there are any questions or concerns a letter will be sent to you requesting further information or clarification.

Commercial building consent applications that have a fire report that do not fully comply with an Acceptable solution are required to be sent to Fire and Emergency New Zealand for review.

The Fire Engineering Unit may provide the building consent authority, within 10 working days, with a memorandum in the building consent application advising on the provisions for means of escape from fire and the need for people authorised by law to enter the building for firefighting.

The Fire Engineering Unit must not give advice in the memorandum that requires the building to meet performance criteria that exceed the requirements of the Building Code. If Fire and Emergency New Zealand does not provide the memorandum within 10 working days, the building consent authority may proceed to determine the application without it.

The BCA will process the consent application at a high level, against the Building Act 2004 and the Regulations of the Building Code, also checking against the RMA 1991.

If a section 37 notice is issued, work cannot start until the notice has been resolved and uplifted by the Planning Team.

Request for further information (RFI):
When a request for further information is sent, the 20 working day time clock is stopped and processing is suspended until this information is provided. Once the information requested has been provided, the 20 day clock will resume.

Once all disciplines are satisfied that compliance is achieved, then a final check is made to ensure all work has been assessed correctly.

Section 49 of the Building Act 2004 states that the Building Consent Authority must grant a Building Consent if it is satisfied on reasonable grounds that the provisions of the Building Code would be met if the Building work were properly completed in accordance with the plans and specifications that accompany the application. You will be notified of the decision and of any outstanding fees that require payment before the building consent can be granted. The time clock will be stopped pending payment of the outstanding fees. When these are paid building consent will be issued.
If we consider that the building consent cannot be granted we are required to refuse the consent. You will receive written notification of decision for refusal and reasons for the refusal. This does not alleviate the requirement to pay any outstanding building consent fees.

When can work begin?
Work on your project cannot begin until all relevant fees have been paid and the consent has been issued. If a Section 37 notice has been issued, work cannot start until the notice has been resolved and uplifted by the Planning Team.

How will I be notified?
When your application is ready for granting and all outstanding fees are paid your building consent will be sent to the contact person nominated on the application form.

If your application has been refused then you will be formally advised with reasoning for this.

What are building consent conditions and/or advice notes?
There may be conditions and/or advice notes imposed on your building consent which are deemed necessary to ensure compliance.

It is important that you read and understand all conditions and/or advice notes before commencing work. If you do not understand any condition and/or advice note then please contact us to discuss these.

Standard Building Consent Conditions include:

- The building consent is issued under Section 51 of the Building Act 2004. The building consent does not relieve the owner of the building (or proposed building) of any duty or responsibility under any other Act relating to or affecting the building (or proposed building).
- Building Act Section 67 – Territorial Authority may grant Building Consent subject to waivers or modifications of Building Code
- Building Act Section 73 – Conditions on Building Consents granted under Section 72
- Building Act Section 77 – Building Consent must not be granted until condition is imposed under Section75
- Building Act Section 90 – Inspections by Building Consent Authorities
- Building Act Section 113 – Buildings with specified intended lives

Standard Building Consent Advice Notes include:

(a) Failure to request any inspection may result in inability to issue a Code of Compliance Certificate.
(b) If a re-inspection is required it will be charged at the current rate.
(c) Cancellations with less than 24hrs notice will incur the full inspection fee.
(d) Application for Code Compliance must be applied for on the statutory application form supplied and must be made upon completion of work.
(e) ALL Building Consent documents and any approved Amendments, including the Project Memorandum (PIM), must be on-site at the time of inspection. Inspections will only be carried out if the original stamped Council approved documents are present on site at the time of inspection. If a re-inspection is required, due to the lack of documents on-site, it will be charged at the current rate.

Building on land subject to a natural hazard

Sections 71-74 of the Building Act 2004 are concerned with building on land which is subject to a range of natural hazards, like flooding, slippage and erosion.

There are difficulties in building on such hazardous land for both the owner and Council e.g. things like building in flood management and flood zone areas and cliff collapse, rockfall, landslide.

Section 72 offers a solution by allowing, in certain situations, an owner to take the risk of building on such hazardous land but requires that a warning is placed on the legal title. This warns future property owners of the potential hazard, and reduces the liability for the Council and for EQC if there is damage to the land as a result of that hazard.

In almost all cases the issue of the building consent confirms that the building work undertaken will comply with the building code. The hazard notice is in regard to the land not the building.

Hazard notices can affect things like your ability to obtain insurance and on sell the property in the future. If you think natural hazards may apply to your project the Council recommends you seek professional or legal advice so you can make fully informed decisions.

Where the Council considers that the land is subject to a hazard we are required to issue the consent under section 72 and to notify the Registrar-General of Land so that a notice can be placed on the title. Before we do this, we will ask that the owner acknowledges (in writing) that they understand the implications of this, and provide the opportunity for further discussion.

What is a Producer Statement?

A producer statement is a professional opinion based on sound judgment and specialist expertise. It is not a product warranty or guarantee of compliance. A Producer Statement can be used as evidence of establishing compliance with all or any parts of the Building Code. Producer Statements can be for design or construction.

A Producer Statement for design or design review should be submitted with your plans at the time of application.

Producer Statements for construction or construction review maybe appropriate for elements constructed on or off site and are generally received during or after construction. These Statements are used to provide evidence that the work complies with the building consent and the building code.

Other than as set out above, producer statements are not accepted as such, but may be considered as information only.

What is a MultiProof consent application?

The MultiProof service, launched in 1 February 2010, enables volume builders to obtain a MultiProof or National Multiple-Use Approval for standardised building designs that are intended to be replicated several times.

MultiProof approvals are issued by the Ministry of Business, Innovation & Employment

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 (as amended in 2009), Building Consent Authorities must accept a MultiProof as evidence of Building Code compliance.

MultiProof approvals create time and cost savings for volume builders by removing the need for the same or substantially similar building designs to be assessed repeatedly by individual building consent authorities for Building Code compliance.

A building consent is still needed for a building with MultiProof approval. The role of Building Consent Authorities is to:

- approve site-specific details, including foundations and utilities
- ensure that any MultiProof conditions have been met, and
- undertake normal inspections during construction.

All MultiProof consent applications are required to be approved within 10 working days, 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 the requested information is received.

Please refer to this link for further information and advice on MultiProof consent applications.

Amendments to your building consent

Changes to consented building work are often proposed during a building project. While the 'approved building consent' (obtained before work commences) is the foundation document for most building work, the building consent process does allow for this consent to be altered before or during construction - through the 'building consent amendment process'.

Minor variations

A variation that is minor is a change that does not usually affect compliance with the Building Code - for example, the type of taps used or positioning of kitchen joinery or non-structural walls or door.

Most often the minor variation does not affect the level of Building Code compliance; it simply achieves the same outcome in a different way.

A building consent authority must still be notified about any proposed variation so it can confirm the change is minor, advise how they will deal with it and record the minor variation in writing.

Examples of variations that are minor to building consents include:

- substituting one internal lining for a similar internal lining
- substituting the type of timber treatment
- minor wall bracing changes
- a change to a component (e.g., fixing bracket)
- a construction change (e.g., the framing method around a window when the window is changed to a door)
- changing a room's layout (e.g., the position of fixtures in a bathroom or kitchen)
- changing one brand of insulation for another
- building work described in schedule 1 of the Building Act 2004

Amendments

Generally, where the work is outside the scope of the original consent (e.g., additional footprint or increases in floor area, construction method, or significant changes to the layout), this would be considered a major variation. A formal amendment would be required for the new work to be undertaken.

Variations that are major often result when the variation impacts on a number of Building Code clauses.

The following examples demonstrate where compliance with the Building Code will be significantly affected (a major variation), therefore providing a trigger that a formal amendment is required. If approved, any amended application becomes part of the approved building consent documents file for that building project.

Examples:

- A deck or carport shown on the building consent drawings is no longer to be built.
- The applicant wants an ensuite bathroom to be installed instead of a walk-in wardrobe shown on the building consent drawings.
- A change to the assembly (e.g., acrylic shower unit to a tiled shower unit).
- Timber joists complying with NZS 3604 are shown on the building consent drawings, but the applicant is advised by the builder to change to a manufactured proprietary joist system.
- The applicant wants to change part, or all, of the proposed cladding system from that approved in the original consent.
- A new house is approved with a perimeter foundation wall and ordinary internal piles, but it is decided instead to construct a complete timber pile foundation.

How to apply for a variation or an amendment?

For any minor variations, no application form is required. Simply submit the request, with the original Building Consent number, via our Building Team Inbox, building@adc.govt.nz. This should be accompanied by any relevant specifications or plans, to illustrate what is being altered and how it complies with the Building Code. You may be charged for any time processing the minor variation.

The Building Act 2004 requires that the building work being undertaken must comply with the issued building consent. This means that any significant changes from the approved building consent must be officially recorded. To apply for an amendment you must complete an Amended Building Consent application form, found here, and pay the amendment application fee, and supply plans detailing changes you would like to make. You will also be charged for any time spent processing plus any other relevant fees according to our Fees and Charges.

Section 115 – Code Compliance Requirements: Change of Use

Please refer to our Public Information Guide specifically on Change of Use.

The **I**nspection **P**rocess

See also Inspections - Ashburton District Council.

What inspections do I need?

During processing of the building consent application we will determine what inspections will be necessary to enable us to be satisfied on reasonable grounds that compliance will be achieved. Each inspection will be identified along with the requirements for that particular inspection. A list of inspections will be attached to your building consent.

Some of the inspections that may be required include the following:

- Foundation Slab
- Solid Plaster/Textured Coatings
- Swimming Pool Fence
- Marquees
- Retaining Walls
- Pre-Exterior Plaster Coating
- Stock Underpass-Final
- Stormwater Foulwater Drainage
- Pre-roof includes pre-membrane
- Preline (Framing and Plumbing)
- Pre-cladding includes post-wrap
- Half-high masonry
- Pre-plaster exterior
- Pre Stop
- Heating Unit (Solid Fuel Heater)
- Heating Unit (Oil fired heating)

- Final Residential/Commercial
- Interior Tanking
- Sub Floor Framing

Inspections by Others

Sometimes it is necessary for specialists to conduct inspections in addition to the inspections carried out by Council. If a specialist inspection is necessary you will generally be advised before the consent is granted.

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.

Please ensure you read inspection requirements and are familiar with them before commencing work.

How do I book an inspection?

Building inspections are booked through the Customer Services team on 03 307 7700 (do not contact the building inspector directly) or via our online booking service on our website www.ashburtondc.govt.nz. Council cannot offer a supervision service; it is up to the property owner or their appointed agent, to supervise the day-to-day construction.

If you have an outstanding Section 37 on your consent (see PIM information), you will be unable to book any inspections until resolved by the Planning Department. No Building work may proceed while there is a section 37 notice in place.

Inspections are undertaken by appointment only.

You will be required to provide us with the following information when booking an inspection:

- building consent number
- site address
- name & phone number of contact person who will be on site at the time of the inspection
- date and time the inspection is required (am / pm)
- type of inspection, i.e.; plumbing, drainage, foundation, pre-slab, preline, etc
- details of all Licensed Building Practitioners (LBP) involved in the project

What is a Licenced Building Practitioner (LBP)

An LBP can be a Designer, Carpenter, Brick and Blocklayer, Roofer, External Plasterer as a few examples, whom have been deemed and assessed to be competent to carry out work essential to a Residential Building's structure or weather tightness. For more information see the LBP website here, which also contains information about the LBP Scheme.

An LBP should design all applications involving elements of restricted building work. Restricted Building Work being work that is critical to make a home structurally sound and weathertight – as per MBIE website.

A signed and dated certificate detailing the extent of the LBP's involvement should accompany all applications. Notification of LBP's involved in the construction and supervision of the project should be provided at the time of lodging your application, however, if not it must be provided once the building consent has been granted and prior to the commencement of work.

An owner-builder can carry out restricted building work on their own home, subject to certain criteria. An owner-builder declaration is required with your Building Consent application, prior to approval and another on completion of work. Owner-builder declaration, alongside obligations and responsibilities of an Owner-Builder can be found on MBIE website.

NB: It is your responsibility (or your appointed agent) to notify Council at least 48 hours before you require an inspection.

For an inspection to take place the approved building consent documentation is required to be on site. If the premises is occupied, it is preferred that there be a representative on site at the time of inspection.

Any safety equipment required for the inspection such as scaffolding or ladders is expected to be provided on site at the time of the inspection.

The inspector may refuse to visit or carry out an inspection if he deems the site unsafe.

N.B: If we arrive on site and the documentation is not available, we will not undertake the inspection. We may however bill you for our visit.

How do I know if the inspection has been passed?
At the conclusion of each inspection the outcome will be recorded on the inspection record sheet which will be signed by the Inspector and the owner's representative on site. The list of inspections attached to your building consent will be signed off by the inspector as each inspection is carried out.

What if the inspection has not been approved?
If an inspection is failed, the work to be rectified will be recorded on the inspection sheet and a copy of will be provided to the owner's representative on site. In most cases another inspection will be required to inspect remedial work. Continuation of some building work may be allowed by the inspector, if sufficient evidence can be provided upon request.

Re-inspections may be charged for.

If the work is not remedied to the satisfaction of the building inspector, it is likely that a notice to fix will be issued.

What is a notice to fix?
A notice to fix is a formal notice issued by 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 action being taken.

Enforcement of notices to fix is undertaken by the Territorial Authority (Council).

Do I need a practical completion inspection?
Yes, all building consents require a practical completion inspection (final).

Your consented building work should be completed within 2 years of the date that the building consent was granted.

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

If we do not receive an application for a code compliance certificate within 2 years of granting a building consent, Section 93 of the Building Act states that we must assess the building consent file and make the decision whether to issue, or refuse issue of code compliance certificate until we are notified that you have achieved practical completion. An extension of time may be granted by the Council on an individual basis.
When all work has been completed in accordance with the building consent a code compliance certificate may be issued.

What is a code compliance certificate?
A code compliance certificate is Council's verification that all works undertaken comply with the approved building consent plans and specifications. It is an important document and should be retained for future reference. Section 94 of the Building Act 2004 states that the Building Consent Authority must issue a Code Compliance Certificate if it is satisfied on reasonable grounds that the building work complies with the building consent. In a case where a compliance schedule is required as a result of the building work the

specified systems will be listed on the Compliance Schedule and the compliance schedule statement and Compliance Schedule will be issued at the same time as Code Compliance Certificate.

It is mandatory under Section 92 of the Building Act 2014 to apply for a Code Compliance Certificate after all work has been completed. Once a complete Code Compliance Certificate Application, on the prescribed Form 6, accompanied by any relevant supporting documentation is received, Council has 20 working days to decide whether to issue, or to refuse to issue a code compliance certificate.
If supporting documentation is incorrect the inspector will request further information which pauses the clock. The clock may also be paused for additional fees charged and will restart once all fees are paid.

Some additional documentation that may be required prior to issue of a code compliance certificate includes the following:

- Application form for Code Compliance Certificate - This form is included in your issued Building Consent. Form 6 can also be found here
- Memorandum of Record of Works from LBP
- PS4 – Construction Review and Site Inspection notes if applicable
- Energy Certificate – Electrical
- Energy Certificate – Gas
- Drainage Plan
- Fire Alarm Certificate of Compliance
- Test reports for backflow
- ECAN Resource Consent – effluent
- Producer Statement – Sprinkler System Certificate
- Emergency Lighting
- Test Certifier Location Report
- Construction Statement – Plastering/Render
- Waterproofing Membrane
- PS3 /Construction Review
- Test/Certificate for Oil Fired Storage Tank
- Surveyor's Certificate
- Spa Pool Exemption
- Compaction Certificate

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, health and safety.

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

Applying for a determination

Applications for determination and the associated cost may be found on the MBIE website.

How long does it take to get the determination?

MBIE is required to issue the final determination within 60 working days of receiving the application, or longer if agreed to by the parties.

The 60 working day period does not include time delays 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 reasonable time.

Building work that may need to be done before a determination is issued
If you have been sent a notice to fix about work that is unsafe, you must comply with this notice. Otherwise, Council can't require you to carry out building work related to the determination unless MBIE agrees this is necessary.

Sales by residential property developers

Section 364 of the Building Act 2004 introduces important consumer protection measures covering the sale of household units by residential property developers or 'spec' builders.

It is an offence for a residential property developer to complete the sale, or allow a purchaser to take possession of a household unit before a code compliance certificate has been issued.
A person who commits an offence under section 364 is liable to a fine of up to $200,000. This fine applies to each household unit sold without a code compliance certificate.

What is the reason for this?
People buying a residential property from a developer have a right to expect it to be completed and to comply with the Building Code.

The onus for making sure a building complies with the Building Code is on the developer as they have the control of the building process.

What is meant by a 'household unit'?
A household unit is a building or group of buildings intended to be used mainly for residential purposes and by one household (e.g., house, apartment or flat). It does not include a hostel or boarding house.

What does 'complete the sale' mean?
Complete the sale' means accepting final payment and transferring the title. You can accept progress payments for the job.

How is 'residential property developer' defined?
A residential property developer includes any person who, in trade, builds or arranges to build a household unit for the purpose of selling it. This could include large developers, or builders or individuals building homes on 'spec'. It also includes a person who, in trade, buys a household unit from a builder or developer with the intention of selling it on.

Commercial and industrial properties

Section 363 public premises
If your building is open to the public, whether for free or payment of a charge, the building cannot be used / occupied until a code compliance certificate is issued. This is because public premises will generally have systems within the building which contribute to life safety and well-being of the building user.
(These systems are called specified systems).

In certain circumstances it may be possible to apply for a certificate for public use, which will allow a building to be used before the code compliance certificate issued. Each application will be considered on a case-by- case basis.

What are public premises?
Any building which is open to the public whether for free or payment of a charge, including:

- shopping malls, cinemas
- maraes
- camping grounds
- garages and workshops

- funeral homes
- office / retail complexes
- rest homes, etc

What is a compliance schedule?
A compliance schedule is a document issued by the building consent authority for buildings that contain specified systems. Specified systems include:

- automatic systems for fire suppression
- automatic or manual emergency warning systems for fire or other dangers
- electromagnetic or automatic doors or windows
- emergency lighting systems
- escape route pressurisation systems
- riser mains for use by fire services
- automatic back-flow preventers connected to a potable water supply
- lifts, escalators, travellators, or other systems for moving people or goods within buildings
- mechanical ventilation or air conditioning systems
- building maintenance units providing access to exterior and interior walls of buildings
- laboratory fume cupboards
- audio loops or other assistive listening systems
- smoke control systems
- emergency power systems for, or signs relating to, a system or feature specified for any of the above

From 31 March 2008, a single household unit requires a compliance schedule, if it contains a cable car or is serviced by a cable car.

A compliance schedule lists the specified 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's), Licensed Building Practitioners (LBP) and authorised agents.

What is a compliance schedule statement?
A compliance schedule statement is issued at the same time as the code compliance certificate by the building consent authority and lists the specified systems within the building. It must be replaced in 12 months with a building warrant of fitness, which is issued by the building owner.

How do I obtain a compliance schedule?
A compliance schedule must be applied for at the same time a building consent application is made and will be issued with a code compliance certificate if a new building has one or more specified systems. If an existing building has a compliance schedule and if during alteration an existing specified system is altered, removed or new systems are installed then the compliance schedule will be amended and a copy of this will be issued with the code compliance certificate.

What information do I need if I am applying for a compliance schedule?
Your designer should provide you with information relating to the performance standards for each specified system contained within the building at the time of application for a building consent. These performance standards are required to identify the inspection, maintenance and reporting procedures required for each system.

Can I be prosecuted for not obtaining a compliance schedule or if my building warrant of fitnes**s has expired?** Yes, depending on the alleged offence the fine ranges from $20,000 to a maximum of $200,000.

What is a building warrant of fitness? (BWOF)
A building warrant of fitness (Form 12) is a statement issued by the building owner to Council stating that the requirements of the compliance schedule have been fully met.

The building warrant of fitness must have attached to it all certificates of compliance issued by the Independent Qualified Persons (IQP). These documents must be issued in the prescribed form (Form 12A) and certify that the inspection, maintenance and reporting procedures stated in the compliance schedule, have been fully complied with during the previous 12 months.

The BWOF must be re-issued to Council on the anniversary of the issue of the compliance schedule (every 12 months) for the life of the building.

What documents should I keep regarding the Building Warrant of Fitness?
You are legally required to obtain written reports relating to the inspection, maintenance and reporting procedures of the compliance schedule. These should be signed by the Independent Qualified Persons (IQP) or Licensed Building Practitioner (LBP) who has carried out any of the listed procedures, (inspection, maintenance or reporting).

You are required to keep all reports for a period of 2 years and produce these for inspection when required.

What is an IQP (Independent Qualified Person) / LBP (Licensed Building Practitioner)?
An Independent Qualified Persons (IQP) is an individual recognised by council as qualified to carry out any performance inspection, maintenance, reporting or recommendation on a specified system. Please refer to http://www.timaru.govt.nz/services/building/independent-qualified-persons for current IQP information.

The Licensed Building Practitioner programme will began in November 2009. Approval and registration of Licensed Building Practitioner's is maintained by the Ministry of Business, Innovation and Employment and can be here. A register is maintained in accordance with the Act to help the public:

- determine if a person is qualified
- choose an appropriate LBP, and
- identify which LBP's have been disciplined within the last 3 years.

Complaints

What happens if I am unhappy about any decision made by the building consent authority?
A customer has a right to appeal or to complain about any building control function the building consent authority undertakes; have this heard and resolved.

Complaints provide feedback about service experience and give us the opportunity to improve our performance.

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

- meeting statutory time frames
- lodgement or vetting of building consent applications
- processing of building consent applications
- inspection of work under construction
- issuing of a notice to fix
- issuing of code compliance certificates
- issuing compliance schedules
- failure to provide appropriate information or advice
- fees and charges
- failure to meet legislative or Building Code requirements

How do I make a complaint?
You can make a complaint in person; however it must be accompanied in writing. Complaints not made in writing or made anonymously will not be actioned.

Complaints or Appeals should be addressed to:
Building Services Manager
Ashburton District Council
P O Box 94
Ashburton 7740

What information is required?
- date incident occurred
- nature of complaint (vetting, lodgement, inspection, notice to fix, code compliance certificate or compliance schedule)
- copies of any supporting information (if applicable)
- relationship (customer, regulator, or stakeholder)
- name and contact details

What happens next?
Complaints are dealt with in the first instance by the Building Services Manager, who will investigate the complaint, and advises the complainant of the outcome. Any complaints which cannot be resolved to the satisfaction of both the complainant and the Building Services Manager, are referred to the Group Manager - Compliance & Development or, if necessary, the Chief Executive.

How long does it take?
All written complaints will be acknowledged within 48 hours of the receipt of the complaint, and responded to within 5 working days, at which time you may be asked whether you wish to be heard in relation to the complaint or to provide further information.

Do I have a right of appeal?
Yes, if you do not agree with the outcome you may request a review of the decision. All appeals must be made in writing setting out the reasons why you disagree with the decision.

What else can I do?
If you are still unhappy or choose to use an alternative route to settle a matter of doubt or dispute you may apply to MBIE for a Determination. Visit https://www.building.govt.nz/resolving-problems/resolution-options/determinations/