



Invercargill
CITY COUNCIL



Invercargill City Council

BUILDING

CONSENTS

A general guide to the building consent process at the Invercargill City Council.

June, 2010

BUILDING



A general guide

This guide contains important information about applying for a building consent from the Invercargill City Council. It covers the whole process, from the application stage, through to the Code Compliance Certificate phase.

The information covered in this guide includes:

What is a Building Consent?

- When is a building consent required?
- The application process: how to apply for a building consent?
- Processing the consent: what happens after your application is received, and how long it takes?
- The building inspection phase: how many inspections will be needed? The final inspection.
- Applying for a Code Compliance Certificate.
- Determinations
- Schedule 1 of the Building Act
- Compliance Schedule

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

Building consents are concerned primarily with safety and are subject to national rules and regulations. However, buildings must also comply with the Resource Management Act and the Council's District Plan and there may be circumstances when you will require a

resource consent before you can be issued with a building consent.

When is a building consent required?

For most building, plumbing and drainage work, a building consent is required. Works exempt from building consent requirements tend to be of a small scale, being within certain dimensional or volume limitations.

Before starting your project, you will need to consult Schedule 1 of the Building Act 2004 to clarify whether a project fits within Schedule 1. If you are unsure whether you will need a building consent or not, please talk to a builder or designer.

Copies of Schedule 1 and the Department of Building and Housing Guide are available at the front counter at the Invercargill City Council Building Consent Help Desk. Or visit the Department of Building and Housing website at www.dbh.govt.nz

Remember, it is the owner's decision whether building work is exempt and you may need certain technical or legal advice before making that decision and it must be noted that even though some building work does not need a building consent, the building work proposed must still comply with the New Zealand Building Code.



If your project requires a building consent, it must be obtained before any of the work starts, so please make sure that you start the application process well before building is due to start.

What happens if I do building work without consent?

The person undertaking the illegal work, and the owner of the property involved, are in breach of the Building Act. It is possible that you may be asked to demolish the work or prove that the building is safe and sanitary. A Notice to Fix may be issued and prosecution may follow if the notice is not complied with.

Why can't I just do the paperwork when the project is finished?

Building consents can not be issued after the project has started.

Binding interpretations of the Building Act and Regulations can be issued only by the courts. Indications and guidelines issued by the Invercargill City Council are provided with the intention of helping people to understand the legislation. They are, however offered on a "no liability" basis, and in any particular case those concerned should consult their own legal advisers.

Homeowners are finding out more and more that a previous owner has carried out building

work without building consent and this usually surfaces when the property is offered for sale. You should discuss the matter with a building inspector as it may be possible for Council to issue a Certificate of Acceptance.

Building Code Compliance

Your proposed building work has to comply with the Building Code. The Building Code is a performance based code which allows designers some flexibility when designing buildings or parts of buildings.

A designer may use parts called Acceptable Solutions which are deemed to comply with the Building Code.

Methods of complying with the Building code are:

- Acceptable Solutions
- Alternative Solutions
- Verification Methods

Two new methods added in 2010 are:

- Simple House Acceptable Solution
- Multi Use Approved Design

Application process

Building consent application forms are available from the Invercargill City Council Building Consents counter, Civic Administration Building, 101 Esk Street, Invercargill. You can also download a copy from our website at www.icc.govt.nz

The application form must be completed in full. Please ensure that all parts and pages of the form are filled in.

What to include with the application

Applications can be complex. We recommend that you engage a professional to help with the design work and drawings.

Below is a list of what you may need to include with your building consent application. Please note: You will need to provide two copies of everything listed below:

1. Payment for fixed fee consents, such as woodburner installations, demolition, solar water heaters, and marquees.
2. Certificate of Title: recent search copy less than six months old, or a sale and purchase agreement if not in the applicant's name. If the site is new and does not yet have a Title, then subdivision scheme plan is required.
3. Site plan, showing buildings, ground and floor levels, and dimensions.
4. Outline floor plans (for all floors).
5. Outline elevations.
6. Outline cross sections.
7. Foundation plans (timber or concrete slab).
8. Drainage plans.
9. Detailed floor plans.
10. Detailed elevations.
11. Cross sections.
12. Timber treatment.
13. Framing details.

14. Construction details.
15. Weathertightness details and risk matrix for each elevation.
16. Internal waterproofing details.
17. Plumbing details.
18. Specifications.
19. Bracing design.
20. Roof truss design.
21. Engineer's details and producer statements.
22. Specified systems noted along with maintenance and inspection details.

Once you have gathered all the necessary information, you can either post it to the Invercargill City Council, Private Bag 90104 Invercargill 9840, or bring it into the Building Consents counter.

Please check and make sure your application form is completed and signed.

The Invercargill City Council undertakes a three stage checking process to ensure the appropriate information is submitted with the building consent application.

- Counter checking process
- Vetting checking process
- Processing/checking for compliance.

Details of each process are listed below for your information.

Checking the application

A Customer Services Officer at the Council will check your application to ensure the right sort

of documents have been provided. (This is not, however, the technical check.)

If the application is incomplete, it will not be accepted by the Council, and you will be advised to re-lodge the application with the correct documentation.

If the application is verified as complete we will accept the application for vetting.

The application is then forwarded to a Vetting Officer to determine if there is enough technical detail and information to continue the detailed processing.

If there is insufficient detailed information on the application, Council will not accept it for processing (ie. will reject it) and will send you a list itemising what information is required before we can lodge your consent and start processing your application.

Incomplete or poor quality applications take a lot of time to work through and this slows the process for other people. Please be conscientious when submitting your application and use clear drawings to a readable scale.

Council has a number of different checklists available from our Building Consents counter and on Council's website, to pre-check your application, before bringing it into Council.

The Council has 20 working days from the date the application is formally accepted for

processing, to decide whether to issue, or to refuse to issue the Building Consent. (Note: when "formally accepted", the processing clock starts and Council has 10 working days for multi use building consents and 20 working days for all other types of applications.)

Granting and issuing

Once the application has been vetted for completeness, a Building Consent Officer will review your application and assess it for compliance. If there are any questions or concerns, you will receive a letter (by post, email, or fax) requesting further information or clarification. The 20-day clock is suspended until this information is provided.

The work for which you are seeking consent is also checked for other required permissions, for example the Resource Management Act or District Plan requirements. We also check for compliance with other legislation such as vehicle access, earthworks, water reticulation, public drainage and (in the case of commercial premises) areas such as health, trade waste, compliance schedule features and backflow prevention.

When your application has been assessed and all staff involved are satisfied with compliance, a final check is made to ensure that all work has been assessed correctly. If so, the building consent is approved (granted), and an invoice is generated for the fees payable (inspections, processing, etc).

Once the consent is granted, you will receive a letter advising you that the application is ready to collect. The fee shown on the invoice needs to be paid, before you can uplift the consent.

Once the fee is paid and the consent uplifted, it is considered issued.

The building consent documents are stamped with “approved site copy”, building consent number and “approved for issue” date. These documents must be kept on-site at all times during construction.

Important note...

A building consent may lapse if the work is not started within 12 months after the date of issue of the consent. Please let the Council know if you will require more time to begin work.

Cost

The total cost depends on the type of application, cost of work involved, and the level of detail provided. The quality of information provided at the time of application will also affect the overall fees.

Fee components:

- Levies payable to BRANZ (payable on all applications of \$20,000 (building value) and over calculated at \$1 per \$1,000.
- Levies payable to Department of Building and Housing, calculated at \$1.97 per \$1,000 of the project value for buildings of value over \$20,000.

- Administration fees.
- Processing (time based).
- Inspections (type and number vary depending on the nature of the building project).
- Compliance schedule fees (if applicable).

Some aspects of construction may be processed/reviewed by outside consultants. There is a requirement for some applications (generally commercial projects) to be sent to the Design Review Unit of the New Zealand Fire Services Commission (DRU). There will be additional fees to pay if your application needs to be sent to the DRU or to outside consultants. Note the building consent can not be issued until these additional fees are paid.

Some consents have set fees, such as applications for woodburner installations, demolition, solar water heaters, and marquees.

While our staff can provide an estimate of the fees involved, the final cost will not be known until the processing is completed.

Inspections

The officer processing your application will do an assessment to determine what inspections will be necessary so that the Council can be satisfied that the building works will achieve compliance with the plans as approved. A list of inspections and advisory notes will be attached to the building consent.

Please ensure that you read the advisory notes and are familiar with them before starting building work.

The following are the types of inspections that may be required depending on the nature and complexity of building work.

Building inspections

- Site - location of the building on site (a surveyor's report or visible boundary markers).
- Foundation - before placing any concrete for foundation walls or footings.
- Piles - before placing any concrete for pile foundations (timber or concrete).
- Pre-slab - before placing any concrete for concrete floor slabs and any integral footings.
- Masonry - before placing any concrete or concrete block walls.
- Sub-floor - before covering any sub-floor framing.
- Pre-clad - upon completion of the building wrap with flashings/tapes installed and before fitting any external cladding.
- Brick - brick work at half height.
- Weathertight - before applying any coatings to the external cladding system.
- Pre-line acoustic - before fitting internal linings or installing wet area membranes, airseals fitted internally around joinery, bracing connections complete.
- Post-line bracing - while fixings are still visible.

- Post-line wet area membranes - inspection of installed wet area membranes before installation of finish surfaces such as tiles.
- Final - final inspection on completion of all building work following a formal a Code of Compliance Certificate (form supplied with approved consent documentation).

Plumbing inspections

- Drainage - testing any drainage work prior to back filling and before covering any field drains.
- Pre-slab - plumbing in/under the floor slab.
- Pre-line - plumbing systems before fitting any linings.
- Final - final inspection on completion of work.

Inspections by External Specialists

In addition to the Council's inspection, it may be necessary, in special circumstances, for external specialists to conduct inspections that fall outside the normal building inspection process, such as having a geo-technical engineer confirm ground stability, or having an aspect of specific structural design checked by a chartered professional engineer or mechanical ventilation or specialist roofing application.

Any external specialist inspection are the applicants responsibility to arrange and pay for.

If a specialist inspection is necessary, you may

be advised before the consent is issued. This could be included in the advisory notes in the building consent.

Producer Statements

Any person that is on Council's Producer Statement Register can provide Council with a producer statement.

A producer statement author is a person that is accepted by Council as competent in their field of work and able to provide Council with a statement of some aspect of work, e.g. CPENZ engineers statements accepted for any structural design.

Producer statements come in 4 forms:

PS1 - Design

PS2 - Design Review

PS3 - Construction

PS4 - Construction Review

Producer statements can be provided for a wide range of work and may in part satisfy Council that some aspect of work complies. Refer also inspections by external specialists.

Booking an inspection

When you are fully ready for an inspection, please contact the customer service officers, phone 211 1777, and make sure you have the following information available:

1. Site address.

2. Building consent number.
3. Name and phone number of contact person on site.
4. Date the inspection is required.
5. Type of inspection, eg. plumbing, drainage, foundation etc.
6. Important notes.

Please give at least three working days advance notice of your inspection request. Council endeavours to arrange inspections as soon as possible, however in periods of high building activity or staff absence, the inspection may need to be slightly later.

It is the owner's responsibility (or you may have your builder's) to notify Council that an inspection is required.

Make sure you have the approved plans and documentation on-site. If these are not available when the inspector arrives, the inspection may not take place, and you may be charged extra for a re-inspection.

The owner, or builder, or agent (eg. architect) should be on site for all inspections.

Result of the inspection

If the work passes:

The Inspector will advise the person on-site if the inspection has been passed and record it on the orange site inspection sheet.

If the work fails the inspection:

The work to be rectified will be recorded on



the site inspection sheet, and a Notice of Failed Inspection will be issued. Another inspection will be required, to inspect this remedial work.

You may be charged for a re-inspection; if so, this will need to be paid before the Code Compliance Certificate can be issued.

Notice to Fix

This is a formal notice issued by the building consent authority, advising that certain works have not been carried out in accordance with the building consent or Building Code. If issued, a letter explaining the process will accompany it. An invoice for the prescribed fee will be sent for the Notice to Fix.

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.

Amendments

During the construction process, invariably there are changes made.

These changes can be recorded by way of minor amendment or major amendment.

A minor amendment can be simply recorded by the building inspector on the plans. The builder/owner will need to advise clearly on site what has changed.

A major amendment is a formal process and must be applied for in the same manner as the original building consent. The time frames for Council to process a major amendment are the same as the building consent.

Please ensure that when changes are made that the correct method for amendments is followed and notify Council as early as possible so the work onsite is not slowed down as a result of any changes.

Final inspection

All building consents require a final inspection. The building work approved in the building consent should be completed within two years of the date of the building consent.

If the building work is not going to be completed within two years, it is essential that you advise the Council, and request an extension of time.

Code Compliance Certificate

When all the building work is completed in accordance with the building consent, a Code Compliance Certificate (CCC) can be issued. This is a verification from the building consent authority that all works undertaken comply with the building consent and the NZ Building Code.

It is an important document, and should be retained for future reference.

You can apply for a CCC by sending the Council the completed "Application for Code Compliance Certificate" Form issued with your Building Consent.

Council has 20 days from application for a CCC in which to decide whether to issue, or refuse to issue, a CCC.

A review of fees paid for inspections will be made when the CCC has been approved for issue. Additional inspection fees will be charged if the inspection fee paid when the application was lodged is not enough to cover the inspection time actually used. The CCC will not be issued if there are any unpaid fees. In addition, Council may charge for additional correspondence, decisions, consultations, meetings and the like that have occurred during the construction process. These costs may be added to the final consent costings prior to the code compliance certificate being issued.

If the building consent was issued under the 1991 Act, Council may issue a CCC, if they are satisfied that the building work complies with the Building Code and the Building Act.

Older building consents do present Council with a problem when considering the issue of a CCC, particularly when we are looking at construction details and the maintenance

history. If Council is not able to confirm the necessary details, they may refuse to issue a CCC.

If an owner does not apply for a code compliance certificate two years after Council has granted the consent, then Council is required under law to either issue or refuse the code compliance certificate.

An owner can apply for an extension of time to extend this date or may elect to carry on with the building work and apply for a code compliance certificate when the work is completed.

Even if Council has refused the code compliance certificate at this two year period, the owner can apply at a later time for Council to reconsider whether a code compliance certificate can be issued or refused.

Determinations

A determination is a binding decision made by the Department of Building and Housing. 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.

Most determinations are needed because the person applying for the determination disagrees with the Council about decisions the Council has made about a building.



However, a determination can be applied for by the Council itself or a neighbour who is affected by building work.

A determination can be about building work that is planned, partly done or completed.

The Department of Building and Housing can make a determination about:

- Whether a building or building work complies with the Building Code.
- A Council's decision on a building consent, a notice to fix from the Council, a code compliance certificate or a compliance schedule (including time extensions to building consents and code compliance certificate).
- A Council's decision to make a waiver or to modify the Building Code.
- A Council's decision on a certificate of acceptance, a compliance schedule, a notice to fix, or a certificate for public use.
- A Council's decision on building alterations, a change of building use, subdivision or buildings and dangerous, earthquake-prone and insanitary buildings.
- A Council's decision on dams.

Those involved in a determination, including the person who applies for it, are called 'parties' to the determination.

For example, a building owner may ask for a determination because they disagree with the Council's decision that also involves a neighbour.

In this case, the parties to the determination are the building owner, the Council and the neighbour.

All parties to a determination are treated equally.

You can ask for, or be involved as a party to a determination, if you are:

- The building owner or the owner's agent.
- The Council that issued the building consent.
- The owner of other property when the determination is about the protection of that property (for example, the potential spread of fire from one property to another, surface water run-off or land stability).
- A government department or Crown agency that has a statutory duty under the Building Act, such as the New Zealand Fire Service or Occupational Safety and Health.
- Anyone with a direct interest in the problem or question if it has to do with access and facilities for people with disabilities.

The Department can initiate a determination where it believes it is necessary to achieve the aims of the Building Act.

The Council will always be a party to the determination. The Department may ask other people or organisations to become involved if necessary.

A determination will normally be about an earlier decision made by one of the parties (usually the Council).

The determination may:

- Confirm, reverse or modify the earlier decision (for example, a determination may say that the Council was correct in not issuing a building consent).
- Make waivers or modifications to the Building Code (for example, a determination may modify the time period for which the building must be durable).
- Make conditions that the Council may itself grant or impose (for example, a determination may require the Council to issue a building consent with certain conditions).

The Department of Building and Housing charges a fixed fee for determinations:

- For single houses, attached houses, flats and apartments up to four units, and garages and sheds, the fee is \$281.25 (\$250 plus GST).
- For all other buildings the fee is \$562.50 (\$500 plus GST).

Information that needs to be included in a determination application.

A determination generally relies on the information you provide. Clear and complete documentation will help us assess and process your determination. The information should be:

- Clearly labelled (and indexed, if possible).
- Typed or neatly handwritten.
- Accompanied by a summary of the key points with references to the supporting documents.

Information to support an application can include (not all of the following will be available or appropriate in every instance):

- Correspondence about the dispute
- drawings.
- Specifications.
- Design calculations.
- Reports.
- Photographs.

Schedule 1 of the Building Act 2004

Schedule 1 lists building work that can be undertaken without a building consent.

The Building Act includes types of building work that are exempt from the requirements to obtain a building consent.

These exemptions recognize that certain low-risk building work should not be subject to the normal requirements of the building consent approval process. Exempt building work is generally work that will not affect the structural integrity or safety components of the building.

The list of exempt building work is contained in Schedule 1 of the Building Act. In October 2008, this work was expanded to include more exemptions.



Important Notes:

Even if the proposed building work does not require a building consent, it is still a requirement of the Building Act that all building work complies with the Building Code (refer to section 17 of the Building Act).

The building work may also be required to comply with other legislation, such as the Hazardous Substances and New Organisms Act 1996, the Resource Management Act 1991 (and any local district plan rules) and any relevant local government bylaw requirements. If you are unsure that requirements may apply to your project, Council recommends that you seek advice from your designer, builder or Council.

Compliance Schedules

A Compliance Schedule lists specified systems within a building. These systems ensure a building is safe and health for members of the public to enter, occupy or work in.

The Compliance Schedule for a building must identify which systems are present, the performance standards for those systems, and how these systems will be monitored and maintained to ensure they will continue to function.

The requirement for a Compliance Schedule in the Building Act 2004 are broadly similar to those in the Building Act 1991.

However, the new Act allows more options for the administration of Compliance Schedules by Territorial Authorities and, significantly, the ability to charge a fee for services. New requirements include that:

- The administration of Compliance Schedules may be split between a building consent authority that is not a Territorial Authority, and a Territorial Authority.
- A building consent authority issues a Compliance Schedule.
- A building consent authority can charge a fee for issuing a Compliance Schedule.
- A building consent authority must state in a building consent the specified systems that will be covered by a Compliance Schedule.
- A Compliance Schedule must be issued with the code compliance certificate, where applicable.
- Building consent authorities that are not Territorial Authorities have 5 days after issuing a Compliance Schedule to notify the Territorial Authority that the Compliance Schedule has been issued.
- A Territorial Authority and a building owner can agree to amend a Compliance Schedule as required, at any other time.
- Territorial Authorities can charge a fee for issuing an amended Compliance Schedule.
- After 31 March 2008, all buildings serviced by or attached to cable cars will require a Compliance Schedule.
- A Statement of Fitness is now a Compliance Schedule Statement.

The Compliance Schedule has been made more flexible to reflect that as systems age, monitoring and maintenance requirements change.

An application for a Compliance Schedule should be made as part of the building consent application, where building work includes specified systems within a building.

Where an application for a building consent involves building work in an existing building, and that work includes modifying or adding to the specified systems, that work will require an amendment to an existing Compliance Schedule. The application must list each specified system or, if the building work is an amendment to an existing building, the application should list all specified systems in any way affected by the building work.

The 2004 Act defines a specified system as a system or feature that is:

- Contained in a building.
- Contributes to the property functioning of the building (e.g. sprinkler system)
- Declared by the Governor-General, by Order in Council, to be a specified system for the purpose of this Act.

Regulation 4 and Schedule 1 of the Building (Specified Systems, Change the Use, and Earthquake-Prone Buildings) Regulations 2005 list the specified systems.

Some examples of these are:

- 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 backflow preventers connected to a potable water supply
- Lifts, escalators, travelators 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
- Smoke control systems
- Emergency power systems for, or signs relating to, any of the above systems
- Systems for communicating evacuation
- Final exits
- Fire separation
- Signs
- Smoke separators

Cable Cars

Cable cars were not previously considered a specified system; however, after 31 March 2008 a Compliance Schedule must be issued for a building that has a cable car attached to it, or if it is serviced by a cable car. This includes dwellings that have a cable car.



Building Warrant of Fitness

A Building Warrant of Fitness (BWoF) is a statement supplied by a building owner, confirming that the systems specified in the Compliance Schedule for their building have been maintained and checked in accordance with the Compliance Schedule for the previous 12 months, and that they will continue to perform as required.

The requirements in the Building Act 2004 for BWoFs are similar to those of the Building Act 1991.

Important changes include that:

- An owner must provide to the Territorial Authority, with their BWoF, copies of Form 12A certificates from IQP / LBPs, including any recommendations made by the IQP / LBP.
- The Territorial Authority must retain copies of the Form 12A certificates.
- The Territorial Authority must consider any recommendation to amend a Compliance Schedule made by an IQP / LBP and where necessary make any changes to the Compliance Schedule after giving the owner an opportunity to provide comments.
- After 31 March 2008, all buildings services by, or attached to, cable cars will require a BWoF.
- A Territorial Authority can now charge a fee for undertaking a BWoF inspection.

The owner must supply the BWoF to the Territorial Authority on each anniversary of the issue of the Compliance Schedule.

A BWoF must be supplied on Form 12 of the Building (Forms) Regulations 2004. It must include the following information:

- The location of the particular building
- Current lawfully established use including number of occupants per level and per use (if more than one)
- The owner of the building
- Original date the building was constructed
- The highest fire risk category for building use
- Certificates relating to inspections, maintenance and reporting.

The Building Act 2004 requires that:

- The BWoF must state that the inspection, maintenance and reporting procedures of the Compliance Schedule have been fully complied with for the previous 12 months.
- A copy of each certificate issued by the IQP or LBP for each of the specified systems, along with any recommendations for amending the Compliance Schedule, must be attached to the BWoF provided to the Territorial Authority.
- The owner must use the prescribed BWoF form in the Building (Forms) Regulations 2004, providing all the information and attachments required in that form.

Building owners will be required to continue to engage IQPs to undertake the inspection, maintenance and reporting procedures listed on the Compliance Schedule.

IQPs provide building owners with a certificate verifying the inspection, maintenance and reporting procedures for each specified system have been fully complied with. IQPs will issue the certificates on Form 12A of the Amendment Regulations 2005.

An IQP is a person that is registered with the Council.

An IQP is only registered after he / she can prove that they have the necessary competence to undertake the inspections, maintenance reporting on the specified features noted on the Compliance Schedule / Building Warrant of Fitness.

Additional sources of information...

Further information can be obtained from the following websites:

- Department of Building and Housing
www.dbh.govt.nz
- Consumer Build
www.consumerbuild.org.nz
- Department of Internal Affairs
www.legislation.govt.nz
- Invercargill City Council
www.icc.govt.nz

or call us, on 211 1777

