



# Building Compliance Information Booklet

June 2020



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## **1.0 BUILDING LEGISLATION**

### **1.1 The Building Act**

The Building Act 2004 provides for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards, to ensure that:

- people who use buildings can do so safely and without endangering their health;
- buildings have attributes which contribute appropriately to the health, physical independence, and well-being of the people who use them;
- people who use a building can escape from the building if it is on fire; and
- buildings are designed, constructed, and able to be used in ways which promote sustainable development.

To achieve this purpose, the Act requires anyone proposing to do certain building work to obtain a building consent from a Building Consent Authority (BCA) before commencing building work, with the option of obtaining a Project Information Memorandum (PIM).

The Ministry of Business, Innovation and Employment (MBIE) provide a guide for when a building consent is not required. This can be viewed at their website [www.building.govt.nz](http://www.building.govt.nz)

### **1.2 What is a Building Consent?**

A building consent is the formal approval issued by a building consent authority stating that certain works, if properly constructed in accordance with the plans and specifications will comply with the requirements of the New Zealand Building Act, Building Regulations and the Building Code. You cannot undertake any building work which requires a building consent without this approval. Most building work requires a building consent, but some minor work is exempt under Schedule 1 of the Act.

### **1.3 When is a Building Consent required?**

A building consent is required before you undertake any building work, such as additions alterations or constructing new buildings, including pool barriers, unless exempt. The Ministry of Business, Innovation and Employment (MBIE) has a guidance publication on exempt building work; [Building work that does not require a building consent](#) available on their website.

### **1.4 Building on land subject to natural hazards:**

Where council identifies that the land on which the work is proposed is subject to natural hazards, Council will consider if the work is major or minor and what affect the work will have on the hazard. Depending on the circumstances the consent could be refused, granted subject to a condition that a natural hazard notification is placed on the title (This will incur additional fees) or no additional action could be necessary.

Council will discuss with you the refusal or notification process if this relates to your consent.

### **1.5 What is Restricted Building Work and who are Licensed Building Practitioners?**

Restricted Building Work (RBW) is work that is critical to the integrity of a building. In particular, it ensures the building is structurally sound and weathertight. This work must be designed, completed by, or supervised by, a licensed building practitioner (LBP). Building Practitioners are licensed by the Ministry of Business innovation and Employment.

This Restricted Building Work applies to, but is not limited to:

- Foundations;
- Framing;
- Roofing;
- Cladding; and/or
- Active fire safety systems in small-medium sized apartment buildings (design only)

Licensed Building Practitioners (LBPs) include, but are not limited to:

- Designers;
- Carpenters;
- Roofers;
- External Plasterers;
- Bricklayers and Block layers.

Registered architects, chartered professional engineers and plumbers are deemed to be LBPs.

It is the owner's responsibility to check that the tradespeople doing and/or supervising the work are licensed building practitioners.

Tradespeople who complete the RBW work will need to provide a [Record of Work](#) (ROW), once the work has been completed.

An exemption is available to owner-builders (do-it-your-selfers) allowing them to carry out Restricted Building Work (RBW) on their own home and to build their own home. There are certain criteria for this and details can be found at [MBIE's website](#). Building consent applications are not accepted unless they include a [Memorandum from a Licensed Building Practitioner](#) (LBP) certifying that the design work complies with the Building Code.

Further information can be found at <https://www.lbp.govt.nz/>

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

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.

## **1.7 What is a Project Information Memorandum (PIM)?**

A project information memorandum (PIM) is a memorandum issued by the Territorial authority (Council) under sections 32 - 35 of the Building Act 2004 which sets out information relevant to your building work.

This is information on special land features, including potential:

- erosion;
- avulsion (removal of land by water action);
- falling debris;
- subsidence;
- slippage;
- alluvium (the deposit of silt from flooding);

- the presence of hazardous contaminants which are known to Council which are likely to be relevant to the design, construction or alteration of your proposed building;
- details of storm water or wastewater utility systems which relate to your proposed building work, or are adjacent to your building site.

A PIM also identifies any additional approvals required such as:

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

### **1.7.1 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.

Copies of other information that may have some design impact on your proposed building work such as:

- Drainage plans;
- Water supply plans;
- Other utility plans; and/or
- Any other information that Council holds that is relevant to your project.

**Important:** A PIM does not give any form of approval under the District Plan or Building Act. Please contact the Invercargill City Council planning department, or your own planning adviser to determine that your proposal complies with the District Plan. If it does not, and resource consent is required, you are strongly advised to obtain this before seeking building consent to avoid possible expensive changes to your proposal.

### **1.7.2 Must I apply for a PIM?**

No, PIMs are voluntary. They may be applied for separately or in combination with your building consent.

### **1.7.3 How to apply for a PIM**

The preferred application method for a PIM is via a document upload through the 'Simpli' application portal, accessible directly from the ICC website. In some circumstances an application may be presented on a [Project Information Memorandum/Building Consent](#) application form; however this is now only an exception process for those who do not have access to internet services.

This form must be completed in full, and signed and dated before being submitted.

### **1.7.4 Documentation required**

All applications must be accompanied by three copies of:

- a site plan;
- floor plan;
- building elevations;

- site access; and
- drainage plan.

### **1.7.5 How long does it take?**

Council is required to issue the PIM in 20 working days of the application being received. In most cases the BCA gathers PIM information in order to process your building consent as a matter of course.

**NB:** Providing all fees are paid, the PIM will be posted to the applicant when it is issued. If the PIM is applied for with the building consent, the timeframe for issue of both is 20 working days.

## **1.8 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 all site specific information. Legislative requirements require most building consents to be approved within 20 working days. However, if information is found to be lacking, the time clock is suspended and not restarted until all the requested information is provided.

## **1.9 Who is responsible for applying for a building consent?**

Ultimately the responsibility for obtaining a building consent is that of the owner of the property. However an owner may appoint another person to act on their behalf. On the application form this other person will be listed as the Agent.

## **1.10 How do I apply for a Building Consent?**

You need to complete a [Form 2](#) application form, and provide information relevant to your building project. We have a range of vetting checklists available that outline the information that must be included with most types of applications. These can be found at;

- our website [www.icc.govt.nz](http://www.icc.govt.nz) on the [Building Forms](#) page, or
- collected from the Council's main office in Invercargill.
- collected from The Bluff Service Centre

## **1.11 How do I lodge an application?**

Once you have gathered all the necessary information, you are now able to lodge the application electronically via the 'Simpli' portal, accessible directly from the ICC website. Alternatively if you do not have access to internet services, the application can be posted in, or delivered in person to our office in Esk Street, Invercargill. It is however preferred that the Simpli portal is used for your application.

If you are lodging a commercial building consent it is recommended you contact our office on (03) 211 1777 or at [vetting@icc.govt.nz](mailto:vetting@icc.govt.nz) to arrange an appointment with a Vetting Officer to go through your application.

Fees are payable at the time the consent is lodged. A fee schedule can be accessed at [www.icc.govt.nz](http://www.icc.govt.nz)

It is important to ensure that the designer provides site and project specific documentation that clearly show Building Code compliance. Incomplete and poor quality applications will not be accepted.

## **2.0 CONSENT PROCESSING**

### **2.1 How is my application processed?**

All applications, regardless of how they are received, are subject to a vetting process to confirm that all information has been provided. This process has a completion timeframe target of 48 hours. Please note this is not a technical check. If insufficient information is provided, or fees have not been paid the application may not proceed until those aspects are resolved.

Once the vetting process is complete, the application is entered into the Council system. Following the payment of fees, the statutory 20 working day application processing clock will commence. The application is then referred to the various required disciplines within the Council for processing, i.e. planning, engineering, building, water, drainage, etc. Each discipline will review your application and assess it for compliance against the requirements of the Building Code as prescribed in the Building Act. If there are any questions or concerns, you will be requested to supply further information/clarification. Should a request for further information be issued by the building control team, the statutory clock will be put on hold until that information is provided.

Requests for additional information will be sent to the person responsible for the consent. When supplying plans in response to an RFI, always draw a revision cloud around the area of the drawings that have changed, this will allow a clear identification of those changes.

Upon payment of any outstanding building consent fees, the consent will be issued.

The granting of the consent shows that the Building Consent Authority (BCA) is satisfied on reasonable grounds that if the project is constructed in accordance with the approved plans the project will comply with the Building Act, Building Code and Regulations.

### **2.2 How will I be notified of the approval?**

Once your consent has been granted and all fees paid, we will issue the stamped approved documents to the person nominated on the application form. Where your application has been processed electronically via the Simpli Portal, *and you have activated the notification function*, you will receive an emailed electronic notification of the application approval. Where your application has been declined, a notification will be sent to you via the same communication channels, explaining the reasons behind the decision. In the case of some amendments or existing older building consents held in hard copy files, you may receive your approval documents in hard copy form.

Building work cannot start until the building consent has been issued.

### **2.3 External Parties**

Some projects may need reviewing by the engineering unit of Fire and Emergency New Zealand (FENZ). They have 10 days to provide feedback. Your fire designer should notify you of this if needed, and this should be clearly identified in the consent documentation.

In some cases the BCA may send applications externally for review, in particular for Fire, Onsite Waste Water or engineering peer review. When busy, the BCA may also send consents to external contractors to process your consent.

## 2.4 How long is my building consent valid for?

The Building Act provides that if work to which the consent relates hasn't started within 12 months from the date of the issue of the consent, the consent will lapse and be of no effect. This means that you will need to apply for a new consent if you wish to start that work.

The BCA will contact you to remind you of this.

If the project has been delayed, you may apply for an extension to this time.

If a CCC application has not been made by the 2 year anniversary of the granting of the building consent, the BCA is legislatively required to make a decision on whether or not to issue a CCC.

## 3.0 WHAT INFORMATION DO I NEED TO SUPPLY?

Building consent applications can be complex. We recommend that you engage a professional person to help with the design work and drawings. Each application must be accompanied by the information requirements identified in the vetting checklists which include the following:

### 3.1 Information to support each application

Please note it is highly preferable that these documents are uploaded as part of an electronic application via the ICC Simpli applications portal as previously described.

- 1 **Certificate of Title** – 1 copy - no older than 3 months old.
- 2 **Plans** (two complete sets plus the additional set for valuation as detailed in 2.7)
  - 2.1 **Site plan** - Scale 1:200 (recommended scale). The site plan must show the proposed building work in relation to the property boundaries, existing buildings, drainage and water supply systems, spot levels and datum.
  - 2.2 **Floor plan** - Scale 1:100 (recommended scale). To be fully dimensional, including wall and partition sizes, designation of rooms, doors and window openings, sanitary fittings, fixed units, appliances such as wood-burners, cooking and heating units.
  - 2.3 **Cross section** - Scale 1:50 (recommended scale). To show full details of construction of foundations, reinforcing, floor structure, wall and roof structure, insulation and height above ground level.
  - 2.4 **Elevations** - Scale 1:100 (recommended scale). Four elevations of the proposed building are required to show all doors, windows, roof heights and external materials and finishes.
  - 2.5 **Drainage plan** - Scale 1:200 (recommended scale). To show means and location of sewage and storm water disposal systems and any existing drains on site. Water supply details must be shown. (Only a certifying plumber/craftsman drain layer or licensed person working under their supervision can carry out plumbing/drainage works).
  - 2.6 **Details** – Scale 1:5 (recommended scale). These are generally structural and weather tightness details to show how the critical elements of the building work are to be constructed.
  - 2.7 **Additional plans for valuation purposes.** – An additional set of plans comprising Site Plan, Floor Plan and elevations is required for our

valuation department. These can be A3 sized even if the main sets of plans are a larger paper size.

- 3 **Specifications** (2 complete sets) - Specifications must be relevant to the particular building and to the plans submitted. They must give a full description of the type, size and grade of materials to be used, and the method of construction, including other trade section.
- 4 **Engineering calculations/fire report** (if applicable) – (two complete sets).
- 5 **Alterations to existing buildings** - Under section 112 of the Building Act, a BCA must not grant a building consent to alter all or part of an existing building unless it is satisfied that, after the alteration, the building will (among other things) comply as nearly as is reasonably practicable (ANARP) with the Building Code provisions relating to means of escape from fire and access and facilities for persons with disabilities. Section 112 of the Building Act also gives Territorial Authorities (TA) some powers to allow alterations to existing buildings. (If you intend to change the use of the building different provisions apply).

To determine whether an existing building will comply ANARP (as nearly as is reasonably practicable) with Building Code requirements for means of escape from fire and access and facilities for persons with disabilities, after the proposed building work has been carried out, Council will need information on the building's current level of compliance. This information should be supplied with the consent application, on a [Section 112 - Gap Analysis Sheet](#)

- 6 **Roof truss** (if applicable) – (2 Sets) Manufacturer's Truss Design and Producer Statement.
- 7 **Wall bracing layout** (2 sets).
- 8 **E2 risk matrix** (demonstrating weather tightness features) - (2 Sets).
- 9 **H1 analysis** (demonstrating insulation requirements) (2 Sets).
- 10 **Fee.** [Calculation sheet](#) and means of payment.
- 11 **Information related to specified systems and the compliance schedule** (for explanation on Compliance schedules see [5.2](#)).

## 3.2 Other supporting Documentation

### 3.2.1 Producer Statements

#### Producer Statements from Engineers

Producer statements are typically used for specialist work, such as engineering, or where there is a proprietary product which is installed by appointed contractors. Aspects of this work will be outside the council's in-house expertise and a producer statement can assist the council when they are determining whether the building work complies with the Building Code. Councils will use their judgement when considering producer statements and how much weight to give them.

*Here are some examples of work where a producer statement might be submitted:*

- An engineer may provide a statement relating to foundations.
- A mechanical engineer may provide a statement relating to heating ventilation and air-conditioning systems.
- A tiler may provide a statement that the waterproofing membrane has been correctly applied.

At the time of submitting the building consent application, you should be submitting relevant PS1s and PS2s.

A PS1 is a producer statement for design. It identifies the intent of the design and construction details required for compliance with the building Code.

A PS2 is a design review (peer review) by another suitably qualified Chartered Professional Engineer. A PS2 will be required by the Council if the construction project is valued at over 1 million dollars, or at other times where the Council needs further evidence the design complies with the Building Code.

If you choose to have the design peer reviewed using your own engineer please ensure that the engineer who completes the peer review (and provides the PS2) is a Chartered Professional Engineer (CPEng) and has the correct competence to complete the review. Their review notes and recommendations should also be provided with the building consent application.

Design Producer Statements (PS1) will identify the additional inspections that are to be carried out in addition to the BCA's site inspections (construction monitoring), required by the suitably qualified independent design professional.

More information about Producer Statements can be found on the [Engineering New Zealand website](#), or by calling them on (04) 473 9444.

### **Producer Statements from tradesmen/qualified installers**

The ICC uses a register of experts, who are not CPEngs whose producer statements will also be accepted. This register is maintained by the Southern Building Controls Group (SBCG) and is found on the [ICC producer statement page](#) of their website.

These producer statements will generally be used to cover installation of components that cannot be inspected by the Building Control Officers, such as waterproofing, membranes, mechanical services and fire alarms.

### **Producer Statements to support Code Compliance Certificate application**

Additional Producer Statements (PS3 and PS4) may be required prior to issuing a Code Compliance Certificate. This is covered in [4.10 Producer Statements – Construction Review](#)

### **3.2.2 Change of use, extension of life and subdivisions:**

If you intend to extend the life of a building (sec 116 BA 2004) or subdivide it (sec 116A BA 2004) you may need to seek professional help with the application or come and speak to us about the type of information you may need to supply.

If you are changing the use of a building or part of a building (sec 115 BA 2004) you will need to supply information with your application about how matters related to means of escape from fire, protection of other property, sanitary facilities, structural performance, fire

rating performance and access and facilities for persons with disabilities will be addressed. This information should be presented on the [Section 115 - Gap Analysis form](#) as part of your building consent application.

### **3.3 What if my application is for a heating appliance only?**

You must supply the make, model and year of manufacture on your [building consent application](#). You must also supply a specification, the manufacturer's installation instructions, details on the flue system and flashing and a complete floor plan of the building indicating where the appliance is to be fitted and showing the location of the smoke detectors.

Complete an [Oil Fired Burner](#) or [Solid Fuel Burner](#) check sheet to ensure your application is complete. You will need to show evidence that the fireplace complies with [Environment Southland's Regional Air Plan 2016](#)

### **3.4 Where can I get a current Certificate of Title?**

Contact Land Information New Zealand on 0800 ONLINE/0800 665 463 or [www.linz.govt.nz](http://www.linz.govt.nz)

### **3.5 Is there other information that I might need?**

**3.5.1 New Vehicle Access** - Any building which requires a new vehicle access must be approved. Contact the Council's Works and Services department (03) 2111777 to discuss this. A detailed plan showing the location of the proposed access will need to be supplied with your [application](#).

**3.5.2 RAPID Number** - Each new dwelling within the rural area is required to have a number at the gate similar to street numbers in town. This is essential and particularly helpful in emergencies.

#### **3.5.3 What about a resource consent?**

Some proposals require land use resource consent. If you are unsure if your proposal requires a resource consent, you can discuss the details with the planning department at the Invercargill City Council Please phone (03)2111777 and ask for the planning department.

### **3.6 How much will my Building Consent cost?**

This depends on the type of application, cost of work involved and the level of detail provided.

The Invercargill City Council has a schedule of fees that details the costs associated with each application type. Fees associated with an application are required to be paid before the application is accepted for processing.

There may also be other associated charges that will be included in the total fees such as:-

- levies payable to the Ministry of Business innovation and Employment, payable on all applications \$20,444 or more (Building Levy Order GST inclusive);
- levies payable to BRANZ (payable on all applications \$20,000 or more);
- Accreditation levies (payable on all applications \$5,000 or more);
- Additional time spent processing the application;
- issue of compliance schedule (if applicable);
- vehicle crossing; and
- water meter connection (if applicable).

Fee will be calculated at the time the application is received and all fees are required to be paid with the application. A cancellation charge may apply if you withdraw your application.

A schedule of [fees](#) is available from our website [www.icc.govt.nz](http://www.icc.govt.nz), or collected from The Council's main office in Invercargill or from the Bluff service centre. Fees can be paid at the office or by internet banking

The BCA may charge additional fees for processing time where a large amount of time has had to be spent processing the consent or for additional inspections.

Please note that any fees or charges outstanding at the time of submitting an Application for Code Compliance Certificate may prevent it from being issued.

### **3.7 Who is the Building Research Association of New Zealand (BRANZ) and why is my application levied?**

BRANZ Limited is an independent and research, testing, and information resource for the building and construction industry. Further information can be found at: [www.branz.co.nz](http://www.branz.co.nz)

### **3.8 What is the Accreditation Levy?**

The Accreditation levy is collected by the Invercargill City Council to cover the statutory bi-annual accreditation of the BCA.

### **3.9 Who are the Ministry of Business, Innovation and Employment (MBIE)?**

MBIE is the government department responsible for regulating the building industry.

### **3.10 Can I change my plans later?**

Yes, if you need to change anything on your plans, you must **apply** for an amendment **before** carrying out any changes to your approved plans. At the end of the building project, the approved building consent documentation needs to be an accurate reflection of what has actually been built. Changing the details of the original consent drawings can be completed in two ways, via either an amendment or minor variation. If you have made changes without approval the BCA may stop your job until the changes are resolved.

#### **3.10.1 Amendments**

Major amendments are those where work is outside the scope of the original consent e.g. additional footprint or increases in floor area, construction method, and significant changes to layout. An amendment to a building consent requires a [Form 2](#) to be completed, so that the amendment can be processed by the BCA. A completed [amendment checklist](#) should be supplied with your application.

#### **3.10.2 Minor variations**

Minor variations are changes that do not usually affect compliance with the Building Code e.g. changes to types of taps, the position of kitchen joinery, and non-structural walls or doors. You will need to provide information to record the change however it is not necessary

to complete a new building consent application form. This may be able to be approved on site by the inspector.

There will be a cost involved in approving the minor variation. Minor Variations should be applied for on the [Minor Variation Form](#).

### **3.11 What are building consent conditions?**

These are conditions imposed on your building consent which are deemed necessary to ensure compliance. For example, all building consents are issued subject to the condition that officers of the building consent authority are entitled at all times, during normal working hours, or while work is being done, to inspect building work which is being carried out. Other conditions may be in relation to building on a site subject to specific hazard conditions, a waiver or modification of the Building Code, a specified intended life for the building or building over two or more allotments.

### **3.12 What are building consent endorsements/advice notes/reminders?**

Building consent documents are often endorsed or have notes added by the consenting authority to remind the building owner about specific aspects of construction to achieve compliance. For example a note may be added regarding specialist inspections that may be required. These endorsements will be noted on the actual consent. It is important that you read and understand all endorsements of the building consent before commencing work. If you do not understand any endorsement imposed, please contact us to discuss.

## **4.0 THE INSPECTION PROCESS**

### **4.1 When can work begin?**

Although work can begin when you have received your building consent, if resource consent is required, you may need to wait until that is also issued.

### **4.2 What inspections do I need?**

In the majority of situations a building officer from Council will need to visit the building at various stages during the work to ensure work complies with the consent. There may be instances however where exceptions can apply and an on-site inspection is not considered necessary for every stage. For example the inspector may decide that photographs and video calls can adequately support your application in some areas.

When your application is processed, the building officer will determine what inspections are necessary. Each inspection will be identified on your site check sheet attached to your building consent. Typical inspections may include but not limited to siting, foundations, concrete masonry, concrete floor slab, pre-cladding, skeleton, cladding, pool fencing and fireplaces, pre-line building and plumbing, post-lining, drainage and a final.

In some cases finals will require two inspectors to undertake the inspection.

Non-standard inspection types will be noted on the inspection list for your consent.

Sometimes it is necessary for specialists to conduct inspections in addition to the inspections carried out by the Building Consent Authority (BCA). If a specialist inspection is necessary you will be advised before the consent is issued. Generally, these inspections are necessary to confirm ground stability or specific design by a registered engineer.

It is the owner's responsibility to ensure that the BCA is contacted at the appropriate times to undertake the required inspection. The Building officer will email a copy of the inspection sheet to the contact person.

Please ensure you read inspection requirements and are familiar with them before commencing work. If in doubt, please ask.

Missed inspections may mean that a CCC cannot be issued.

### **4.3 How do I book an inspection?**

Building inspections are booked through the administration team by phoning (03) 2111 777 (please do not contact the building inspectors directly). Inspections are undertaken Monday - Friday 9.00am to 4.00pm (excluding public holidays). Fixed time inspections can be booked at 9.00am and 1.00pm, as available each day.

You must provide the following information when booking an inspection:

- site address;
- building consent number;
- name and telephone number of contact person on site;
- date and time the inspection is required; and
- type of inspection, i.e. plumbing, drainage, foundation, pre-slab, pre-line, etc.

**NB:** It is your (or your builder's) responsibility to notify Council a minimum of 24 hours before you require an inspection.

### **4.4 How do I know if the inspection has been passed?**

At the conclusion of all inspections the outcome of the inspection is recorded on the site inspection field within the inspectors 'Go-Get Mobile' software. Inspection results are emailed directly to nominated customer email addresses. If the inspection does not pass, a site notice advising what is required to pass will be issued via the same electronic inspections processing system. It is recommended that the owner or an agent is available on site for all inspections to ensure they are clear on the outcome.

You can review the features of the Go-Get building solutions software at [www.goget.co.nz/Home](http://www.goget.co.nz/Home)

Please note you may be asked to stop work or continue with conditions (conditional continuation) if the inspector fails the inspection or work is non-compliant or unsafe.

### **4.5 What if the inspection is not approved?**

If the inspection fails, the work to be fixed will be recorded on the site inspection sheet. Another inspection will be required to inspect the remedial work. In some cases work may have to stop, in others some work may be allowed to continue, or an amendment may need to be applied for. If the work is not remedied to the satisfaction of the building officer, it is possible that a Notice to Fix (NTF) will be issued.

Please note that re-inspections may incur additional charges.

**It's also important** to understand that building control officers may refuse to complete the inspection if the site is seen to be unsafe.

## **4.6 What is a Notice to Fix (NTF)?**

A Notice to Fix (NTF) 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 the Building Code/Act. If an NTF is issued you must address the issues identified within the prescribed timeframe to prevent further action being taken. Typically an NTF will be issued for serious or ongoing breaches. If a notice to NTF is issued, documentation identifying and explaining the process will accompany it. We would however prefer to work with you to get compliance rather than go down this track.

## **4.7 Do I need a final inspection?**

Yes, all building consents require a final inspection. The purpose of the final inspection is to ensure that all work is completed to the extent required by the Building Consent.

Although there is no imposed time frame on an owner to complete work, on the 2 year anniversary of the granting of your consent the BCA is required to decide if a CCC can be issued. If you cannot complete the work within this timeframe, it is essential that you contact us to discuss time frames.

An owner must [apply for a CCC](#) on the approved form once all the work described in their building consent is completed. To make an application you must complete a CCC application form including filling in details of who did the work and when the work was completed.

Once a complete application has been made the BCA has 20 working days to decide whether to issue a CCC. The BCA will complete an inspection (if a final inspection has not already occurred) and ensure all documentation has been received. The required documentation will be listed on the building consent. If all building work is in accordance with the Building Consent and Building Code and documentation supplied is acceptable a code compliance certificate (CCC) will be issued. If CCC cannot be issued the 20 working day clock is stopped and further information sought or the CCC will be refused.

The CCC can only be issued where the BCA is satisfied on reasonable grounds that the work complies with the consent and the Building Code.

## **4.8 Does a Residential property require a Compliance schedule?**

A Compliance Schedule is a document issued by the building consent authority for buildings which contain specified systems.

Generally Compliance Schedules apply to commercial buildings, but if a residence contains a cable car it will need to have a Compliance Schedule prepared. This will be done when the Code Compliance Certificate is issued. You can read more about Compliance Schedules in the 'Commercial Buildings and Premises for Business and Professional Purposes' section, page 18.

## **4.9 What is a Code Compliance Certificate?**

A Code Compliance Certificate (CCC) is the final certification confirming that the BCA is satisfied on reasonable grounds that all works undertaken complies with the building consent and Building Code. You must apply for a CCC after all work has been completed. This is an important document and should be retained for future reference.

A CCC may be withheld until any development contribution levies are paid or any other fee for the likes of additional inspections etc. Fees can be paid by internet banking or at the Council offices.

## **4.10 Producer Statements – Construction Review**

The Council may request a producer statement for construction (PS3) as evidence that the building work has been completed in accordance with the approved documents, and therefore complies with the Building Code. The author of the PS3 will need to be on the SBCG producer statement authors register. Where these are to be provided, agreement on this will be sought before the building consent is issued.

A Construction review PS4 (statement of expert opinion) will be required to be issued by the 'agreed' suitably qualified independent design professional, where requested, prior to issuing a Code Compliance Certificate. It must state that the building work was constructed as per the building consent documents and be accompanied by copies of all inspection reports and site notes for the project made during construction of the building works.

Section [3.2.1 Producer Statements](#) discusses Producer Statements in more detail.

## **4.11 Site safety for inspectors**

You are responsible for the safety of visitors to the work site including those undertaking building inspections. You must provide safe access to parts of the construction necessary for inspection. Ladder access must be securely founded and tied. Scaffold access and roof edge protection is generally required. Inspectors will not inspect unsafe sites.

## **4.12 What are Multi-Proof Approvals?**

If you intend to build the same building more than 10 times within a two year period, it may be advantageous to have the plan assessed as a Multi-Proof design.

Multi-Proof is a statement by the Ministry of Business, Innovation and Employment (MBIE) that a set of plans and specifications for a building complies with the New Zealand Building Code (NZBC). Multi-Proofs are issued by the National Multiple-Use Approval Service of the MBIE.

A Multi-Proof is not, and does not replace, a building consent. The holder of a Multi-Proof must obtain a building consent each time they wish to construct the design to which the Multi-Proof relates. The BCA will only need to assess the Building Code compliance of site-specific features that are excluded from the Multi-Proof.

The BCA has 10 working days to issue a Multi-Proof consent.

# **5.0 COMMERCIAL BUILDINGS AND PREMISES FOR BUSINESS AND PROFESSIONAL PURPOSES**

## **5.1 What buildings are considered public access?**

If the public uses all or part of your building, and you want them to access it before your building work has been signed off as complete, you can apply to your council for a certificate for public use. Your application will need to show that all or part of the building (whatever you are applying for) can be used safely by members of the public.

If you don't have a certificate for public use, you risk a fine up to \$200,000, and an additional fine of up to \$20,000 for every day or part of a day the offence continues.

Premises with free and open access will typically be classified as premises intended for public use.

Premises intended for public uses are likely to include, but are not limited to:

- schools and childcare centres
- hospitals and rest homes
- premises providing public accommodation, such as hostels and guest houses
- places of assembly, including churches, cinemas and conference facilities
- clubrooms and recreation centres with public access
- restaurants and bars
- shops
- offices
- public foyers in office and apartment buildings
- public structures

People who control premises should check their building records to ensure all building work affecting the premises has received a building consent and code compliance certificate.

The extent of the premises considered 'affected' will depend on the project. 'Affected by building work' can mean work occurring on the premises or work being done elsewhere in the building if it poses a threat to public safety on the premises.

For example, if you were adding an outside extension or smoking area to a public bar the business could remain open, but in a limited capacity whilst building work is underway. The public must be able to enter without passing by or through the building work. The site and any tools or materials must not be accessible to the public. The public must not be able to access any part of the premises where the structural integrity is compromised by the work, or where the public's safety is compromised.

You can only apply for a certificate for public use if a building consent has been granted but the code compliance certificate has not been issued. You will still need to apply for a code compliance certificate once the building work has been completed.

You need to apply to your council, on the appropriate form 15 or on your local council form. They may need to inspect the building.

## **5.2 What is a Compliance Schedule?**

The compliance schedule needs to list the building's specified system design features and the inspection, maintenance and reporting procedures needed to keep them in good order along with the performance standards that must be met for the life of the building.

Applications for a building consent need to contain compliance schedule information for;

- a new building with any specified systems
- building work in an existing building that includes modifying or adding to the specified systems – this requires an amendment to an existing compliance schedule.

A compliance schedule is required for a building that;

- is not wholly a single household unit (for example, includes commercial and industrial buildings but not stand-alone houses) and contains one or more specified systems (including cable cars)
- is wholly a single household unit and has a cable car attached to it or servicing it.

Building consent applications are assessed to determine whether specified systems are being added, altered or removed as part of the project. When the building consent is issued, a list of the specified systems being added or altered and their performance standards is attached. Compliance schedules as a result of building work are issued with the code compliance certificate.

A compliance schedule must be kept on-site unless at another place by mutual agreement with Council. It must be made available to Council officers, independent qualified persons and authorised agents at all times.

Further information can be found on the MBIE website at:

<https://www.building.govt.nz/projects-and-consents/sign-off-and-maintenance/completing-your-project/compliance-schedules/#jumpto-compliance-schedule-content>

### **5.3 What is a Compliance Schedule Statement?**

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

### **5.4 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 (CCC) by the Building Consent Authority (BCA) for:

- new buildings (if the building has one or more specified systems); or
- an alteration to a building where the work requires a building consent.

If you are planning to obtain a CPU on a new building you will need to provide details of the inspection and maintenance descriptions for the specified systems so these can be added as a condition to the CPU. The Compliance Schedule will be issued when the CCC is issued.

When applying for a CCC for a building that contains specified systems you should attach to the application relevant certification for the specified systems as well as details of the specified systems and plans showing specified system locations and or layout.

### **5.5 What information do I need to apply for a Compliance Schedule?**

The building owner needs to provide enough information with their building consent application to enable council to compile the compliance schedule. This includes details of the

design features of the specified systems, as well as the proposed procedures for inspection, maintenance and reporting. You also need to include the performance standard each system is supposed to meet, and continue to meet for the life of the building.

The Building Act 2004, section 45(1) (g) specifies that an application for building consent must be accompanied by either one of the following:

- if a compliance schedule is required as a result of building work a list of all specified systems for the building; or
- if an amendment to an existing compliance schedule is required as a result of the building work, a list of all specified systems that are being altered added or removed in the course of the building work.

### **Plans and specifications as defined under section 7 of the Building Act 2004.**

Plans and specifications mean the drawings, specifications, and other documents according to which a building is proposed to be constructed, altered, demolished or removed; and includes the:

- specified systems that the applicant for building consent considers will be required to be included in the compliance schedule under section 100, and;
- the proposed procedures for inspection, maintenance and reporting procedures for the purposes of the compliance schedule for those specified systems.

**To comply with section 45 of the Building Act the building consent application must include a completed:**

- specified system list for building consent applications (DCC SBCG 27), and;
- specified system form for building consent applications for every specified system in the building that is being added, altered or removed in the course of the building work.

Incomplete forms and applications will not be accepted for processing

## **5.6 How do I amend a compliance schedule?**

Amendments are required where specified systems are installed or removed. Where systems are altered we will assess the extent of the changes to the installation, inspection and maintenance performances. Generally, if the performance standards remain unchanged an amendment will not be required.

For example; where the only building work related to a specified system is the relocation of a couple of sprinkler heads and the performance standard of the system remains the same, the code of compliance certificate can be issued without an amended compliance schedule.

## **5.7 What is a Building Warrant of Fitness (BWoF)?**

A Building Warrant of Fitness (BWoF) is a declaration by the building owner stating that the Specified Systems have been maintained in accordance with the Compliance Schedule.

A building Warrant of Fitness is required to be issued on or before the Expiry date of the BWOFF each year.

Failing to produce a BWOFF can lead to all sorts of legal and insurance cover issues. Other concerns are building consents where the Code of Compliance Certificate (CCC) has never been applied for or the property is operating without a valid CPU.

The [ICC website](#) has additional information about Building Warrants of Fitness.

## 5.8 As an Owner what am I responsible for?

Section 101 of the Building Act provides that the Owner of the building for which a Compliance Schedule is required under section 100 must obtain a Compliance Schedule.

Failing to do so is an offence carrying a fine up to \$20,000, and further \$2000 for every day that the offence is continued. Owners are responsible for knowing what Specified Systems are installed in their buildings and that these are listed correctly on their Compliance schedule.

### Owners are responsible to ensure:

- Each of the Specified Systems are performing and will continue to perform to the performance standard.
- Provide Council with an annual BWOFF on the anniversary of the BWOFF renewal date on the Compliance Schedule, accompanied with a Form 12A from an IQP, for each Specified System and any recommendations of amendment to the Compliance Schedule.
- Compliance Schedule should be kept at the place stated on the schedule.
- The Compliance Schedule is available for inspection by any person or organisation with the right to inspect the building under the Act.
- For the first 12 months after the Compliance Schedule is issued that the compliance statement is displayed in a public place within the building and after 12 months that the BWOFF is displayed.
- To obtain annual written reports relating to the inspection, maintenance and reporting procedures of the Compliance Schedule.
- Annual reports, together with the Compliance Schedule are to be kept for a period of 2 years and produce these reports when required.

### Recommendation to owners

- Engage with an IQP from the Day that the Compliance Schedule is issued.
- Advise Council if the IQP will be your agent and if they are to receive all communication with the owner.
- Letters in lieu will not be accepted for SS1 /SS2 and all other systems will be agreed on by council on a case by case.

Email documents or contact us for further information at: [building.compliance@icc.govt.nz](mailto:building.compliance@icc.govt.nz)

## 5.9 What is an Independent Qualified Person (IQP)?

An independent qualified person (IQP) is a person approved by Council as qualified to inspect certain compliance schedule items and ensure that the necessary maintenance occurs. 'Independent' means that the person has no financial interest in the building.

The IQP is responsible for:

- inspecting specified systems to make sure they meet the standard listed in the compliance schedule;
- issuing a Form 12A and annual report for each specified system they are testing and maintaining;
- liaising with the building owner regarding the need to maintain or replace specified systems.

## 6.0 COMPLAINTS

### 6.1 What happens if I am unhappy about any decision the building consent authority has made?

You have the right to appeal any *decision in relation to building work* the Building Consent Authority (BCA) has made, or to lodge a complaint about any *building control function* the Building Consent Authority (BCA) undertakes. A customer has a right to complain and have their complaint managed.

### 6.2 What is a building control function?

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

<ul style="list-style-type: none"><li>• meeting statutory time frames;</li><li>• lodgement or vetting of building consent applications;</li><li>• processing of building consent applications;</li><li>• inspection of work under construction;</li><li>• issuing of a notice to fix;</li></ul>	<ul style="list-style-type: none"><li>• issuing of code compliance certificates;</li><li>• issuing compliance schedules;</li><li>• failure to provide appropriate information or advice;</li><li>• fees and charges; and</li><li>• failure to meet legislative or Building Code requirements.</li></ul>
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### 6.3 How do I make a complaint?

You can make a complaint in person; however it must be accompanied by a written statement. Complaints not made in writing or made anonymously will not be acted upon.

Complaints should be addressed to:

Planning and Building Services Manager  
Invercargill City Council  
101 Esk Street  
Invercargill

## 6.4 What information is required?

- copy of any ICC decision notification;
- date incident occurred;
- nature of complaint (guidance information, vetting, lodgement, inspection, notice to fix, code compliance certificate or compliance schedule);
- copies of any supporting information (if applicable); and
- relationship (customer, regulator, or stakeholder).

### How long does it take?

Acknowledgement of the receipt of your complaint shall be issued within 2 working days of the complaint lodgement date. At this time you may be asked whether you wish to be heard in relation to the complaint or to provide further information.

All complaints shall be fully processed within 20 working days of receipt of the complaint, unless a request for further information is made.

### 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.

All appeals should be addressed to:

Chief Executive Officer  
Invercargill City Council  
101 Esk Street  
Invercargill

All appeals will be responded to within 10 working days.

### 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 *in relation to any council decision to do with building work*, you may apply to the Ministry of Business, Innovation and Employment (MBIE) for a **Determination**.

A building owner might want a **determination** when;

- a council refuses to issue a building consent for a proposed building;
- they have been refused a code compliance certificate for a building that appears to be completed and they believe is compliant;
- building work on a neighbouring property is affecting the stability of their own property;
- they disagree with a notice to fix.

Please visit [www.building.govt.nz](http://www.building.govt.nz) for further information on this service.

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## USEFUL WEBSITES/TELEPHONE NUMBERS

Search the Licensed Building Practitioners (LBP) register  
<https://lbp.ewr.govt.nz/publicregister/search.aspx>

Plumbers, Gasfitters and Drain layers register  
<http://www.pgdb.co.nz/search/public-register.html>

Ministry of Business, Innovation, and Employment (formerly DBH)  
<https://www.building.govt.nz/> 0800 60 60 50

Environment Southland  
[www.es.govt.nz](http://www.es.govt.nz) 0800 76 88 45

BRANZ  
[www.branz.co.nz](http://www.branz.co.nz) 0900 5 9090

Consumer Build (Independent advice)  
[www.consumerbuild.org.nz/publish](http://www.consumerbuild.org.nz/publish)

Land Information New Zealand  
[www.linz.govt.nz](http://www.linz.govt.nz)

Engineering New Zealand  
<https://www.engineeringnz.org/> (04) 473 9444

Southland Warm Homes Trust  
<http://www.powernet.co.nz/community-involvement/southland-warm-homes-trust/>

Fire and Emergency New Zealand  
<https://fireandemergency.nz/>

Fire and Emergency New Zealand– Community Responsibility  
<https://fireandemergency.nz/at-home/your-community-responsibility/>

NZ Homeowners' Building Guide  
[www.buildingguide.co.nz](http://www.buildingguide.co.nz) (09) 360 8885

### USEFUL PUBLICATIONS

**NZ Homeowners' Project Workbook – Your Guide to Building a Better Home** (order

local copy at: [www.buildingguide.co.nz](http://www.buildingguide.co.nz) or (09) 360 8885

**[Guide to Applying for a Building Consent \(Simple Residential Buildings\)](#)** – MBIE



INVERCARGILL CITY COUNCIL ▪ PRIVATE BAG 90104 ▪ INVERCARGILL 9840 ▪ NEW ZEALAND  
PHONE (03) 211 1777 ▪ FAX (03) 211 1433 ▪ [www.icc.govt.nz](http://www.icc.govt.nz)