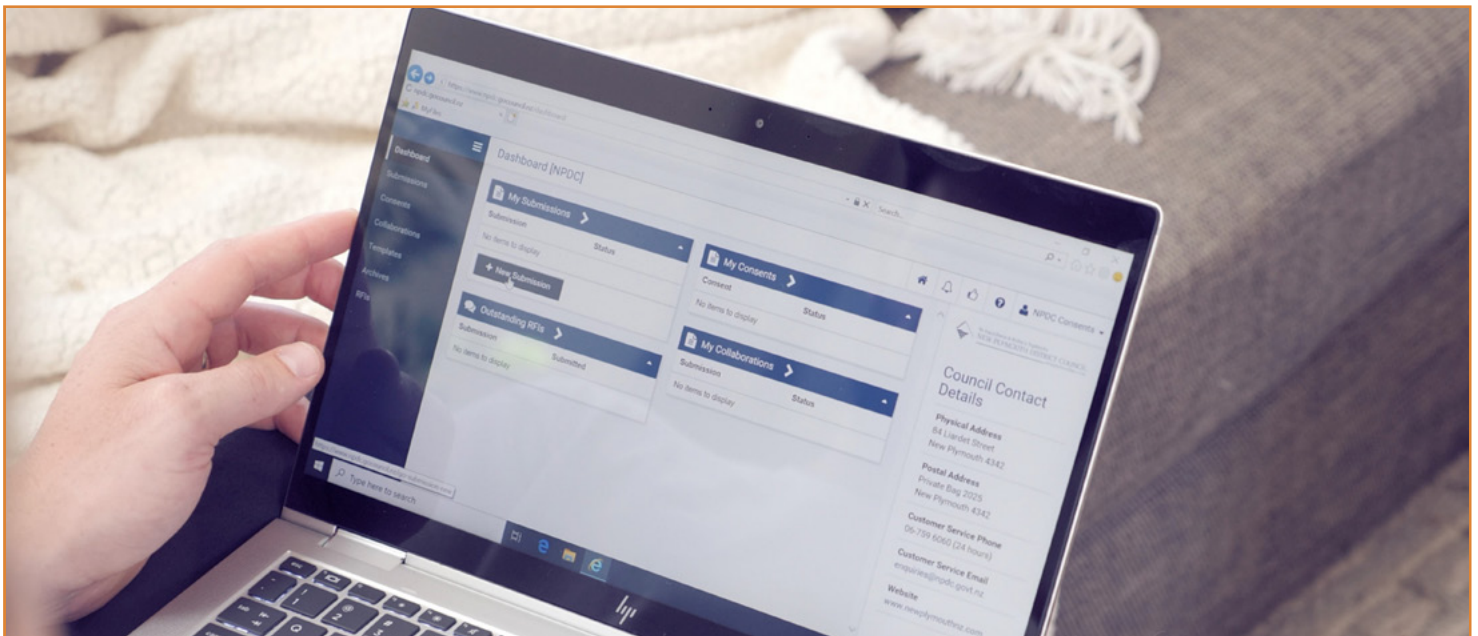


Information about the building consent process





What is a building consent?

A building consent is a formal approval that we grant as a Council under the Building Act 2004 that allows you to carry out building work. Building work includes work in connection with the construction, alteration, demolition, or removal of a building. New Plymouth District Council (NPDC) will grant a building consent only when it is satisfied that the proposed building work will meet the requirements of the Building Code.

If you are not familiar with building plans and compliance with the Building Act or Building Code, we recommend engaging an experienced professional to help you with your application.

Work that requires a consent

Can I Build It? (www.canibuildit.govt.nz) is a helpful tool for homeowners to use to check if a consent may be required for their proposed building work.

Most work will need a consent – this can include (but is not limited to):

- Structural building work (including new and additions to existing buildings)
- Relocating a building
- Plumbing & drainage
- Installing a solid fuel burner (new and replacement)
- Installing or altering a specified system
- Retaining walls higher than 1.5 meters
- Fences higher 2.5 meters, all swimming pool and associated fencing

- Sheds greater than 30m² in floor area.

All building work must comply with the New Plymouth District Plan and Resource Management Act (RMA) 1991. A building consent for food premises (e.g. cafés, takeaways, restaurants, bars, etc.), hairdressing salons, and other types of businesses that require registration, also require approval from the Environmental Health team under various pieces of legislation and can be assessed concurrently while your building consent is being processed.

Building on land subject to natural hazards

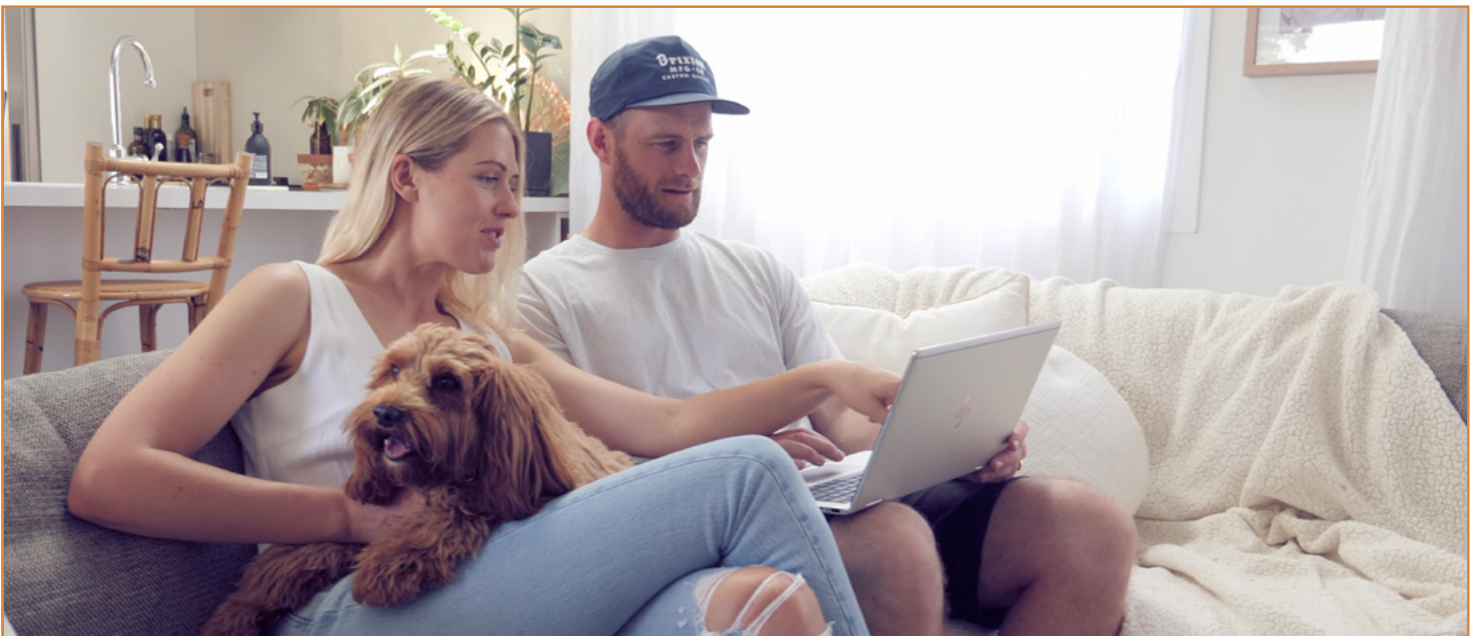
If you are thinking about carrying out building works it is important to consider any natural hazards that may be present, and how they may affect compliance with the Building Act 2004 and the New Zealand Building Code.

Natural hazards include:

- Erosion (including coastal, bank, and sheet erosion)
- Falling debris (including soil, rock, snow and ice)
- Subsidence
- Inundation (including flooding, overland flow, storm surge, tidal effects, and ponding)
- Slippage.

A Land Information Memorandum (LIM) or Project Information Memorandum (PIM) will identify hazards that NPDC knows about.

New building work or alterations should be designed with any natural hazard in mind. The Building Act requires NPDC to consider building consent applications for new buildings or major alterations on



land that is subject to a natural hazard.

Section 71 of the Building Act states the Council must refuse to grant a building consent if the land on which the building work is to be carried out is subject or is likely to be subject to one or more natural hazards, or the building work is likely to accelerate, worsen, or result in a natural hazard on that land (or any other property), unless adequate provision is made or will be made to protect the land, building work, or other property, or restore any damage to that land or other property.

If you think natural hazards may apply to your project, we strongly recommend you seek professional or legal advice so you can make fully informed decisions.

The Ministry of Business and Innovation & Employment (MBIE) has also developed guidance on the natural hazard provisions of the Building Act.

Is it restricted building work?

Your proposed building work may fall under 'restricted building work' (RBW) – this is work that is critical to make a home structurally sound and weathertight. You must use a Licensed Building Practitioner (LBP), to design and carry out this work. RBW must be identified in your building consent application and be accompanied by a certificate of design.

Is it exempt from requirements?

Usually, you cannot carry out any building work unless you have a building consent – there are a few minor exceptions to this, as set out in the Building Act (Schedule 1), e.g. decks less than 1.5m in height and retaining walls less than 1.5m high that do not support

any additional load such as vehicles on a road.

All building work must meet the minimum requirements of the Building Code even if no building consent is required, and it must comply with New Plymouth's District Plan, and any other relevant Acts.

Licensed Building Practitioners scheme

Anyone wishing to design and/or build residential work needs to be a LBP or be supervised by one.

For further information on the LBP scheme, refer to www.lbp.govt.nz

Owner-builder exemption from LBP requirements

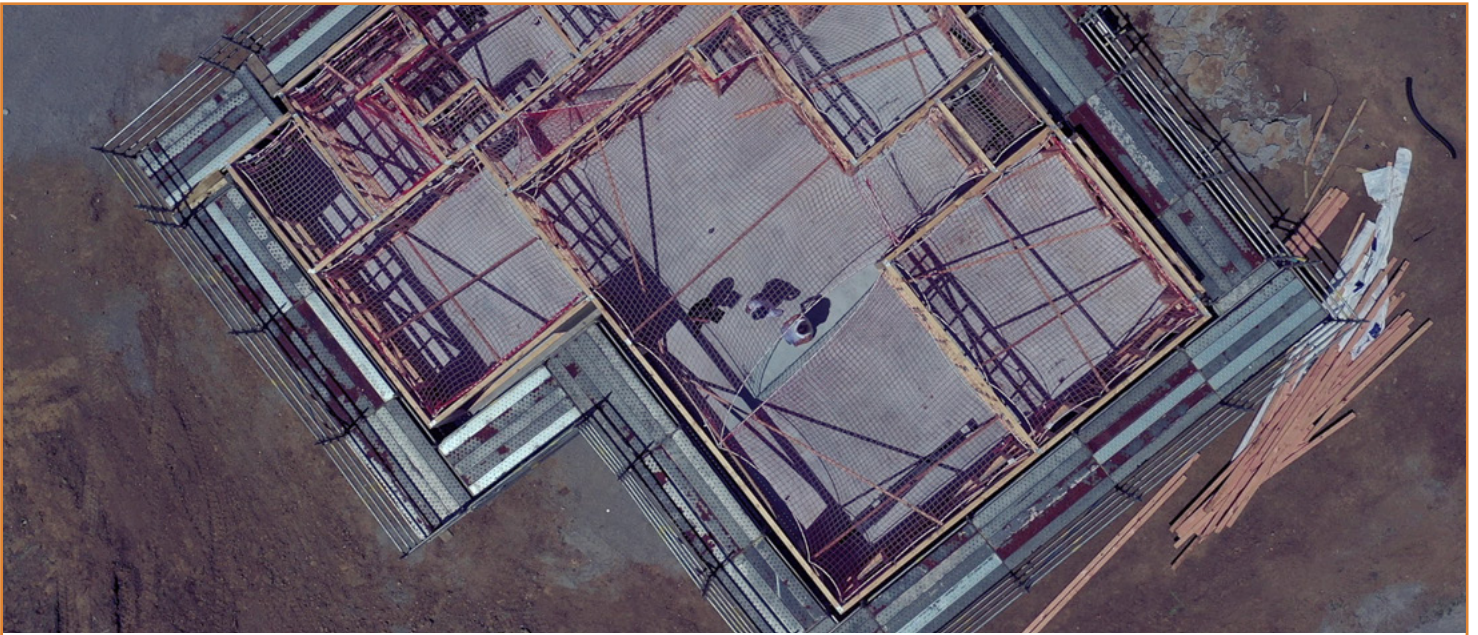
If you are the homeowner and wish to be the designer and builder also, you are still able to carry out RBW if you satisfy certain conditions.

You must complete a statutory declaration as to your owner-builder status, which must be signed by a Justice of the Peace and submitted with your application.

For further information on this, refer to the owner-builder obligations information within the Building Performance website: www.building.govt.nz

You are an owner-builder if you:

- Live in or are going to live in the home (includes a bach or holiday home).
- Carry out the RBW to your own home yourself, or with the help of your unpaid friends and family members, and;
- Have not, under the owner-builder exemption, carried out RBW to any other home within the previous three years.



What is a Project Information Memorandum (PIM)?

A PIM is a report that provides information about the land and the requirements of other Acts that might be relevant to your proposed building work.

A PIM provides:

- Heritage status and identifies special features such as natural hazards.
- Details of water, stormwater or wastewater utility systems which relate to your proposed building work or to your building site.
- Network utility information such as vehicle access.
- Applications/approvals that you may need before you can start the construction process, occupy the building or start commercial operations.
- A certificate detailing Resource Management Act requirement.
- A notice indicating whether a development contribution is payable by the owner (payment of development contributions is required to be paid in full within 180 days of your consent being granted, or before CCC can be issued – whichever happens first).

The PIM will either confirm that you may carry out the building work (subject to the requirements of the building consent and subject to all other necessary authorisations being obtained) or notify you that building work may not be undertaken.

It is optional to apply for a PIM. For larger projects however, such as new houses, large alterations and

new commercial or industrial buildings, you will find a PIM very useful in establishing the feasibility and design of the project. Therefore, it's a good idea to obtain a PIM during the planning stage.

How to apply for a building consent

Applications can be complex. We recommend that you engage professionals to help with the design work, drawings, specifications, and documentation. You can nominate an agent such as a builder or an architect to act on your behalf.

Applications must include:

- A completed online application using the NPDC building consent portal
- Full sets of plans and specifications
- Proof of ownership
- Checklist and supporting documents as applicable to the project being applied for
- Appropriate fees.

More information on plans and supporting material required with a building consent application can be found as part of the applicable checklist to be provided with your application, as well as on the 'apply for a building consent' section of the Building Performance website: www.building.govt.nz/apply-for-building-consent

National multi-use approval applications require:

- A copy of the MultiProof Certificate
- A complete copy of the plans and specifications to which the approval relates (these must bear MBIE's approval mark and must include any relevant approved customisations)

- Statement declaration that the design for which the consent is sought complies with the approval issued by MBIE and meets all the conditions of the MultiProof Certificate for the proposed site.

Applications to be processed under the BuiltReady Certification Scheme:

BuiltReady is a voluntary certification scheme for modular component manufacturers which enables them to be certified and registered to produce modular building components.

An application may include manufacturers who are certified to:

- Manufacturer only
- Design and manufacturer modular components that make up part of a building
- Design and manufacturer whole buildings.

Include the following with your application where applicable:

Manufacturer only:

- A clear description is to be provided in the building consent application, detailing that the application includes a manufacturer's certificate for the manufacture of whole buildings.
- Provide a manufacturer's certificate and relevant technical specifications alongside the building consent application, e.g. shop drawings, plans and specifications.

Design and manufacturer (modular components that make up part of a building)

- Inform the building consent authority (BCA) on which parts of the building are covered by the BuiltReady manufacturer's certificate.
- A clear description is to be provided in the building consent application, detailing that the application includes the design and manufacture of modular components.
- Provide a manufacturer's certificate and relevant technical specifications alongside the building consent application, eg shop drawings, plans and specifications.

Design and manufacturer (whole buildings)

- Provides enough information in your building consent application to assist the BCA in assessing site specific aspects of building work.
- A clear description is to be provided in the building consent application

detailing that the application includes a manufacturer's certificate for the design and manufacture of whole buildings.

- Provide a manufacturer's certificate and relevant technical specifications alongside the building consent application, eg shop drawings, plans and specifications.

Lodging an application

You will need to complete an application form and acceptance checklist and provide information that is relevant to your building project. We encourage you to use our lodgement portal as it is a more efficient way to do business with the Building Consents team.

You can lodge your building consent with NPDC in one of two ways:

- Submit your application using the lodgment portal (<https://bc.npdc.govt.nz/>)
- Alternatively, download and complete the application forms on the website and deliver (together with all required paperwork) to the Civic Centre or to a service centre at Bell Block, Waitara or Inglewood. Please note, additional fees are applicable when submitting a paper-based application.

Use the checklists and guides available online at: Forms and fees (www.npdc.govt.nz) to pre-check your application before submitting it to us.

Checking and receiving your application

We will check the documents included in your application to make sure they are complete. This is not a technical check. If the application is incomplete, it will not be accepted, and you will need to re-lodge the application with the correct and complete documentation.

You will be invoiced at this time for your proposed work, and once payment is received the application will be accepted for processing.

A unique building consent number is assigned to a complete application once it is accepted. Please make a note of this number as a reference for future communication related to your application.

When will your application be processed?

The time taken to get a building consent issued depends on the complexity of your project and whether you have provided us with sufficient information.

All building consents are required to be processed within 20 working days, except for MultiProof



and Built Ready schemes (where design and manufacturer for whole buildings are applicable) consents which need to be processed within 10 working days. Applications supplied with insufficient information will take longer to process and you will receive a formal request for further information (RFI). Processing of the application is paused until all the requested information is received.

Alterations

Section 112 of the Building Act 2004 requires that an alteration must not cause a compliant building to become non-compliant, or a non-compliant building to comply to a lesser degree. Please refer to Section 112(1)(b).

It also ensures that existing buildings have good standards of fire safety and access for people with disabilities. It does this by requiring that existing buildings comply as near as is reasonably practicable with means of escape from fire and access and facilities for persons with disabilities (if this is a requirement in terms of Section 118). Please refer to Section 112(1)(a).

Section 112 (2) provides an alternative compliance path. This can be used when the proposed building work provides improvements to means of escape from fire, or access and facilities for persons with disabilities, and those improvements outweigh the detriment of the building not complying with the relevant provisions of the Building Code.

Information to accompany building consent applications

Domestic dwellings

Should include accurate floor plans with

all rooms labelled and showing locations of existing smoke alarms. Please also indicate if smoke alarms are stand alone or interconnected throughout the dwelling.

Buildings other than domestic dwellings

Should include a cover letter or similar outlining how compliance with Section 112 will be achieved. They will often require fire and accessibility reports and details of upgrade work that will take place to bring the whole building up to the required standard.

Failure to provide comprehensive and legally compliant information is a common cause of delays and refusal of building consent applications.

Change of use

The term is specifically defined in Section 115 of the Building Act 2004, which includes regulations assigning a 'use' to every building or part of a building (Schedule 2 of the regulations).

Schedule 2 divides the uses of all or parts of buildings into four broad types - crowd activities, sleeping activities, working/business/storage activities, and intermittent activities – and more specific use categories under each (15 in total).

A change of use occurs when both the following conditions are met:

- The use of a building (or part of a building) changes from one use to another as defined by the regulations; and
- The new use has more complex or additional Building Code requirements than the old use.

For example, a typical residential home does not require access facilities for people with disabilities



but may do if the building is being used for another purpose, such as a doctor's surgery. This would be a change of use as both conditions are met.

What must an owner do?

If you are a property owner and you are planning to change the use of your building, please get in touch with NPDC and let us know.

You can notify us in two ways:

- Via a building consent application (if a building consent is required); or
- Email newplymouthbca@npdc.govt.nz

We need to be satisfied the building's new use will comply with Building Act requirements before you can change the use of your building. We will confirm this in writing once we're satisfied.

In technical terms, this means the building needs to comply as 'nearly as is reasonably practicable' with specified provisions of the Building Code. Where compliance with a particular provision of the code is not required, your change of use must still avoid causing or worsening non-compliance with that code.

It's worth remembering building consent and/or resource consent may also be required before you can begin any new activity planned for your building.

Extending the life of a building

Some buildings have a specified intended life, either due to compliance complexities or because they were constructed to be temporary buildings. When a building consent is issued on a building like this, it is subject to the condition that it be altered, demolished or removed before the end of its

specified intended life. However, we can approve an 'extension of life' if we are satisfied that the building can continue to perform for a longer period. If you would like to extend the life of a building you'll need to provide us with written notice, in accordance with Section 116 of the Building Act.

Subdivision of buildings

If you intend to subdivide land in a way that affects a building, such as if you are dividing a large house into multiple units, a subdivision consent application is required. Section 116A of the Building Act states that NPDC cannot issue a certificate under the Resource Management Act for a subdivision affecting a building or part of a building unless it is satisfied, on reasonable grounds, that the building will comply, as nearly as is reasonably practicable, with every provision of the Building Code that relates to the following:

- Means of escape from fire
- Access and facilities for people with disabilities (if this is a requirement for the building)
- Protection of other property.

The building must also continue to comply with the other provisions of the Building Code to at least the same extent as before the subdivision application was made.

Compliance schedules and building warrant of fitness (BWF)

Buildings that contain specified systems such as fire alarms and lifts require a compliance schedule. This applies to all buildings other than a single household unit (unless the building contains a cable car).



Building owners must keep safety systems in good working condition.

- A compliance schedule is required by the Act to ensure that building owners take responsibility for ensuring the safety of occupants and the buildings themselves.
- A compliance schedule lists the building's safety systems and the inspection, maintenance and reporting procedures needed to maintain them in good condition.
- A compliance schedule will be issued with a Code Compliance Certificate (CCC) if the compliance schedule, or an amended compliance schedule, is required as a result of the building work.
- A copy of the BWOFF must be provided annually to NPDC and must be publicly displayed at the building it pertains to.

Amendment to a building consent

An amendment means a change made to the original building plans or specifications after your consent is granted. For very minor variations the amendment can be either a handwritten note on the consented plans signed by the applicant/builder/designer (informal), or through a formal amendment (as described below):

A minor variation is a change that clearly has little impact on compliance with the Building Code and may be approved by a building officer in the field. It simply achieves the same outcome in a different way – for example, the type of taps used, or the positioning of kitchen joinery or non-structural walls or a door.

For any other change where the work is outside the scope of the original consent such as additional footprint or increase in floor area, construction method, or significant changes to the layout, a formal amendment will be required for the new work to be undertaken. Revised plans and specifications are required to be submitted to us for approval prior to the work being carried out.

You must notify us about any proposed change so we can confirm whether it is a minor variation or a formal amendment. All minor variations and formal amendments must be approved and recorded by us.

Amendments do not extend the time to start or complete the building work; they merely document a change to the approved design in the original consent.

Applications must clearly demonstrate what is being changed. Make sure the plans and supporting documents only relate to the amendment. If your application includes detail that doesn't relate to the amendment, please clearly identify the area of work that is affected by the change. This will help to reduce the amount of time required to process the application.

How much will it cost?

Building consent charges are set to recover all the costs that NPDC incurs when processing and inspecting consented works. The base fee reflects the anticipated costs for both the administration and inspection activities. The base fee and levies applicable are required to be paid in full before your building consent is accepted for processing.

The latest copy of the fees and charges is available in the forms and fees section of our website at www.npdc.govt.nz. Payments for a building consent,

inspections and CCC can be made at the Civic Centre or at one of our Service Centres. You can also pay online. More information can be found in the Paying Us section of our website.

When a consent lapses

Work must start within 12 months of the date that the building consent is issued. If no inspections are recorded within 11 months of the issue date, we will send you a reminder letter.

If work has already started, we suggest that you notify us. You may also apply for an extension of timeframe, which we will review.

If we do not receive any response, we will send you a 12-month letter confirming that your building consent has lapsed. You will need to submit a new application if you intend to continue with the project. All building work should be completed within two years from the date the building consent was granted. If the project has been delayed, you may apply for an extension of the time, which we will review.

When building work can begin

You can start building once you have your building consent and any other required consents or approvals if required.

A list of required inspections (and advisory notes and conditions if applicable) is attached to your issued building consent. Important milestones/check points might be indicated (particularly for commercial projects) and in some cases work may not be able to proceed until the inspection is passed (or verification is received and accepted by the inspector). This ensures failed items are followed up and remedied in a timely way without impacting on the final stages of the project.

It is important you read and understand all these consent or inspection requirements prior to commencing work. If you do not understand any requirement imposed, please contact us.

Check there are no resource management issues outstanding before work commences. In some circumstances a building consent may be issued with a Section 37 certificate. This certificate prohibits work commencing and inspections being booked until resource consent issues have been resolved.

When premises for public use can be occupied (including CPU process)

A Certificate for Public Use (CPU) is used to certify

that premises or parts of premises affected by building work are safe to be used by members of the public before a code compliance certificate is issued.

You must have a CPU if the public are to have access to all or parts of the building (either during construction or on completion) before a code compliance certificate is issued. Anyone who owns, occupies or controls premises intended for public use may apply for a CPU. A CPU does not relieve the owner of a building from the obligation to apply for a code compliance certificate.

We have 20 working days to process a CPU application, however, we aim to process them as quickly as possible.

We will only issue a CPU when satisfied it is safe for members of the public to use the premises. It is the owner's responsibility to make sure a CPU is current.

Processing your application

Consent processing

A building officer will perform a technical review of your application to ensure that your project complies with the Building Act, associated building regulations, and the Building Code. If the application is lodged with insufficient or incorrect information, the building officer will request further information. A letter requesting the information will be posted or emailed to the applicant.

The statutory timeframe recording is paused at this point – it will restart when all the additional information is received.

Some consent processing involves specialist disciplines such as civil or structural engineering, or mechanical or fire protection engineering. These applications are normally outsourced to an external consultant for review.

The Building Act requires that certain building consent applications be sent to Fire and Emergency New Zealand (FENZ). For the most part, a FENZ review will be identified within the application form for a building consent. Applications required to be reviewed by FENZ are:

- Alternative solution fire designs.
- Applications that involve modifications or waiver of clauses C1-6, D1, F6 or F8 of the Building Code.
- Applications that involve an alteration, change of use, or subdivision and affects the fire safety.
- Systems, including any building work on a specified system relating to fire safety, unless the fire safety system is minor.



FENZ require electronic copies of all fire related construction documents and will retain these for their records. NPDC will act as the intermediary and facilitate the lodgement with FENZ.

When all documentation and plans are approved and NPDC is satisfied on reasonable grounds that the building works meet the requirements of the Building Code, your application will be granted and ready for issue. A list of the inspections required for your project is prepared and attached to your building consent.

Please note that the granting of a building consent is conditional on enabling the building work to be inspected onsite, or offsite if building work is being undertaken elsewhere, during normal working hours.

Notification of approval/refusal

The approved documentation is uploaded to the online portal or emailed to the owner/agent. The approved documentation consists of approved plans, a building consent certificate (Form 5), required inspections and documentation and advice notes.

Consent conditions, such as a waiver or modification of the Building Code, natural hazards, building over two or more allotments, the ability of NPDC to inspect building work, or the specified intended life of a building, for example, may be imposed on your building consent, which are necessary to ensure compliance (these will be detailed on your building consent certificate Form 5).

It is important that you and your agent read and understand all the conditions before commencing work. Please note building work cannot start until the building consent has been issued. Furthermore, your building consent (or PIM, if you applied for one) may also be accompanied by a section 37 certificate if it

is deemed applicable, which will include restrictions on commencing building work under the RMA. This may mean that no building work can proceed or may only proceed to the extent stated in the certificate, until a resource consent has been obtained.

If you disagree with any aspect of the approval or refusal of the granting of the building consent, please submit this in writing to NPDC's Building Lead and send by email to enquiries@npdc.govt.nz. More information on NPDC's Feedback and Complaints Policy can be found in the Contact Us section of our website at www.npdc.govt.nz. If resolution cannot be achieved, a formal determination to the Ministry of Business, Innovation and Employment (MBIE) can be applied for. This process can be found at www.building.govt.nz/resolving-problems/resolution-options/determinations.

How work is inspected

Booking an inspection

When an inspection is required (as listed on the inspection schedule), call us on 06-759 6060.

Please make sure you have the following information available:

- Site address.
- Building consent number.
- Name and phone number of the contact person on site.
- Name and LBP number of the licensed building practitioner, if applicable.
- Date and time the inspection is required.
- Type of inspection – such as plumbing, drainage, foundation.



Typical inspections are listed below (but are not limited to these):

- Siting/excavation
- Foundation (in ground/concrete)
- Foundation (timber)
- Block/in-situ foundation wall
- Tanking - external below ground - new
- Pre-flooring sub-floor
- Concrete slab
- Foundation and concrete slab
- Specific design slab - new
- Sanitary drains (under slab)
- Sanitary drains (under timber floor)
- Drainage (including on-site disposal)
- Pre-wrap (framing/fixings)
- Pre-cladding - wrap/cavity/batten/flashings
- Preline (plumbing, framing, insulation)
- Post-line (brace elements)
- Specialist inspection
- Final inspection
- Pre-installation/chimney cavity check.

Please ensure you read the inspection requirements before starting the building work.

Important notes

- Please make your booking at least two working days in advance of your requested inspection date.
- You or your agent are responsible for notifying

NPDC that you require an inspection.

- 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, builder or agent should be on site for all inspections.
- The building inspection process verifies that construction is performed according to the consented documents.
- Please ensure the building officer conducting the inspection has safe, unobstructed access to the site when required. If the officer perceives the building site to be dangerous, they can refuse to carry out the inspection until the risk has been removed or mitigated.
- If you need to cancel your inspection, please advise us with a least 24 hours notice. Late cancellations may incur a cancellation fee.

Inspections by external specialists

In addition to NPDC's inspection, external specialists may be required to conduct inspections that fall outside the normal building inspection process, such as having a geotechnical engineer confirm ground stability, or having an aspect of specific structural design checked by a chartered professional engineer.

If the requirement for a specialist inspection is known during the consent processing stage, you will be advised before the consent is issued. This will be included in the list of inspections attached to your building consent.

Result of the site inspection

The building officer will advise the person on site whether the work has passed or failed the inspection. The approved work along with any failed items will be recorded on the site inspection sheet. A notice to fix or site instruction will be issued for failed item/s.

A subsequent inspection will be required for this remedial work.

All failed inspections must be resolved before further building work relating to the failed result can continue. An agreement for conditional continuation of work can be established for building work that is not related to or impacted by the failed result. No further inspections relevant to the failed area can be booked until the identified problems are resolved.

Notice to fix

This is a formal notice that we issue advising you that certain works have not been carried out in accordance with the building consent or 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, including enforcement.

Final inspection

All building consents require a final inspection to confirm that the work carried out is in accordance with the approved plans.

The building work approved in the building consent should be completed within two years of the date on which the building consent was granted.

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

How building work is certified

Code compliance certificate (CCC)

When all the building work has passed the final inspection and all development contributions and/or building consent fees are paid, a CCC can be issued. This is a proof of verification from us once we are satisfied on reasonable grounds that all works undertaken comply with the building consent and the Building Code. It is an important document and should be retained for future reference. All applications for CCC are required to be processed within 20 working days. The statutory timeframe recording is paused should we need to request further information to process your CCC application.

The owner must apply to us for a CCC after all building work to be carried out under a building consent granted to that owner is completed. The application must be made as soon as practicable after the building work is completed and in the prescribed form for paper applications or using the online portal.

Applications supplied with insufficient information will incur additional processing time and you will receive a formal RFI. Processing of the application is not continued until all the requested information is received.

If all documentation is in the hands of NPDC and any issues that were identified at the final inspection have been addressed, the inspector will recommend issue of CCC. You will receive the certificate on completion of NPDC administrative requirements.

If we refuse to issue a CCC and you consider this is not justified, please submit this in writing to NPDC's Building Lead. More information on NPDC's Feedback and Complaints Policy can be found in the Contact Us section of our website at www.npdc.govt.nz

If resolution cannot be achieved, a formal determination to the Ministry of Business, Innovation and Employment (MBIE) can be applied for. This process can be found at www.building.govt.nz/resolving-problems/resolution-options/determinations

If no application for a CCC is received within two years from the date the building consent was granted, we will follow this up with the owner (unless the owner has agreed to an extension with us).

For more guidance, refer to MBIE's publication 'Owners' responsibilities to ensure their buildings are safe to use' on the Building Performance website: www.building.govt.nz

For further helpful information about building projects, please refer to the following websites:

- Ministry of Business, Innovation and Employment (Building and Construction): www.mbie.govt.nz
- Building Performance: www.building.govt.nz
- BRANZ: www.branz.co.nz
- Consumer: www.consumer.org.nz
- Smarter Homes: www.smarterhomes.org.nz