

What is the Building Act 2004?

The Act affects the construction, alteration, demolition and maintenance of new and existing buildings throughout New Zealand.

It sets the standards and procedures for people involved in building work to ensure buildings are built right first time. It covers how work can be done, who can do it, and when it needs to be inspected.

What is the Building Code?

The Building Code is an important document. It is a set of regulations that define the performance standards building must meet, for example how strong an earthquake they must be able to withstand, or how much natural light there must be in a bedroom.

The building code sets minimum standards You may decide to exceed those standards, but you cannot do less than the Building Code requires.

To ensure your project goes smoothly, it is important the person who draws your project plans understands the Building Code requirements and how to meet them, and that the builder builds the building outlined in the approved plans.

Councils have powers to require that the property owners fix work not complying with the Building Code.

Why do I need a Building Consent?

A building consent is required under the regulations set out in the Building Act 2004. This insures that the design is adhered to and meets the minimum standards set out in the Building Act 2004. It ensures that the building is safe and healthy to live in.

What is the Council's responsibility?

The Building Control Unit is responsible for ensuring that the proposed work meets the requirements of the Building Act 2004 and the Building Code, and has been built in accordance with the approved plans. It is not responsible for supervising the construction site, purchase or choice of materials or the tradespeople involved. It cannot therefore guarantee the materials or workmanship of the project. This is the responsibility of the Owner/developer undertaking the work. They must ensure that all the requirements of the building code are met.

What is a PIM and do I require one?

A PIM is a Project Information Memorandum. It informs about information relating to the site/land. It contains information about special features on the land, services available, wind and earthquake zones, whether other authorizations are required etc.

Every building consent requires a PIM except internal alterations, heaters, minor plumbing/drainage, marquees. Please refer to [What is a PIM](#)

What is the process for submitting my application?

Please refer to [The Building Consent Process](#)

What do I do when the project is finished?

On completion of the project, you will need to provide the Council with all relevant energy work certificates, make sure that all fees and development contributions (if applicable) have been paid and arrange for a final inspection. This is for the Code Compliance Certificate.

What is a Code Compliance Certificate?

This is a Certificate that the building has been constructed in compliance with the building code based on reasonable grounds. A code of compliance must be issued within two years of issuing a building consent. Please refer to [What is a CCC](#)

What is a Notice to Fix?

Where building work has been found to not comply with the regulations, the Council will issue a Notice to Fix. This specifies exactly what is wrong, what needs to be done to correct the problem and when it needs to be done by. A failure to comply with a Notice to Fix can result in fines up to \$200,00 with a further \$20,000 a day until the work is completed.

A Notice to Fix may require the owner to:

1. Apply for an additional building consent to carry out the remedial work
2. Apply for an amendment to the existing consent
3. Complete the work required
4. Remove the work not covered by the consent
5. Apply for a Certificate of Acceptance

What is a Certificate of Acceptance?

This is issued when completed work does not meet the requirements of the Code Compliance Certificate but, as far as the inspection can detect, the work does meet the requirements of the Building Code. It may also be issued when urgent work was required in order to protect lives or property and there was no time to get a Building Consent.

What if I do not have time to get a Building Consent prior to carrying out urgent work?

The owner must apply for a Certificate of Acceptance as soon as practicable after completion of the building work. Urgent work is work that is required to be carried out for the purpose of health issues or to prevent serious damage to a property eg sewer drains.

What quality of plans and specifications do I have to submit with my Building Consent application?

The plans must be clear and able to be micro-filmed and include:

- A site plan drawn to scale and showing boundaries and all proposed drainage services.
- A floor plan (Scale 1:100) or 1:50 of each floor level including kitchen layout and all plumbing fittings, eg. type of fitting for toilet pan ("P" or "S").
- An elevation of each external wall detailing all opening windows.
- Type and location of each foundation element (ie. anchor piles, reinforcing masonry foundation walls).
- Adequate information on sub-floor wall and roof, (eg. Vapour barriers, spans, spacing and sizes of all structural members), bracing schedules, position of all bracing elements and number of bracing units.
- Type and location of cladding, sheathing, linings and insulation (layout of roof trusses) obtained from truss fabricator. Details of flashings.

Note: plans and specifications form the basis of any building contract between builder and owner and substandard plans and poor specifications may lead to litigation. Specification must be applicable to job.

The clearer the documentation, the less likelihood, problems will occur. Recommend the use of a professional building consultant, draughtsperson, or architect.

What happens if I want to change my plans after I have been granted a building consent?

You will need to submit the altered plans to the Building Control Unit for assessment.

How much notice to I need to give for an inspection?

At least 24 hours. But if the Building Control Officers, area is fully booked, it will have to be the next available appointment which may be a couple of days later. So the earlier you book in the more likely of getting the appointment time you prefer. Please refer to [Inspections](#)

What are acceptable and alternative solutions?

The New Zealand Building Code has 35 clauses defining the performance standards that buildings must meet. Associated with each clause is a Compliance Document containing step by step building methods called Acceptable Solutions and 'Verification Methods' that can be used to ensure compliance with the Building Code. If other building methods are used, these must meet the performance standards of the Building Code. These other methods are known as Alternative Solutions. If alternative solutions are to be used in a building project, these must be declared in the Building Consent Application form and sufficient information provided to show how they will be used. The Building Review Officer can then examine these alternative solutions and determine if whether or not they will meet the requirements of the Building Code.

Is electrical and gasfitting work included in the building consent?

Electrical and gasfitting is now called Energy Work and is part of the building consent if:

1. The work relates to a Compliance Schedule item as contained in Section 44 of the Building Act 1991
2. A modification / waiver from the Building Code or any approved documents, has been requested for the energy work
3. The owner/agent chooses to include energy work in the building consent.

What is a wind zone?

A wind zone refers to the wind forces that act on a building on a particular building site. The wind zone is determined from a complex calculation that considers such things as:

- The wind region the site is in
- Terrain - whether the site is in an urban (built up) area or rural (open) area
- Exposure of the site - whether the site is sheltered or exposed
- Topography (steepness or slope of the land) - whether the land is gentle, moderate or extreme

The wind zone is usually calculated by the designer or engineer producing the building plans after a site visit, to establish the above characteristics of the site.

Wind zones are:

- Low (L)
- Medium (M)
- High (H)
- Very high (VH)
- Specific design (SD)

Once the wind zone has been established the designer uses this to determine the bracing requirements of the proposed building.

How close can I build to my boundary?

Contact Planning Guidance for this information.

Why do boundary/surveyor pegs need to be visible on the site?

The pegs need to be visible on site when the inspector does the siting and excavation inspection. This is necessary so we can ensure that a building is being positioned within the boundary with the correct setbacks / measurements as in the approved building consent documentation. It is also necessary so that the inspector can ensure that he is on the correct lot.

I can't find my boundary pegs. What should I do?

The position of boundary pegs are shown on the survey plan that created your property. If they can't be found you will need to get a surveyor to locate your boundary pegs or re-survey your boundary. The Council can not do this nor can we recommend companies. Look in the Yellow Pages.

Where do I need to put smoke alarms in my dwelling?

In every sleeping space or within 3m of every sleeping space door.

What types of smoke alarms are acceptable?

May be battery powered and are not required to be interconnected. They must have a hush facility with a minimum duration of 60 seconds.

Council cannot issue a Code of Compliance for work under building consents issued from 28/4/2003 until smoke alarms have been installed and inspected.

What size septic tank do I need to install for my new dwelling?

Please contact the Building Control Department as depends on house size/number of bedrooms etc

My PIM said I have to have soak-holes How many do I need to put in?

1 per 60sqm of roof area

How deep should they be?

Minimum of 1.8m deep

Can I do the building project myself (DIY)

Any building work that requires a building consent must be completed to the appropriate standards set by the Building Code. Some work, notable gas, plumbing and electrical work, must be done by a professional. After 30 November 2009, DIY renovators will still be able to carry out work, which falls outside the restricted work category. It is intended that they will also be able to do restricted work as long as a licensed building practitioner supervises it.

When do I need a Building Consent for a fire/heater?

- When replacing an existing inbuilt fire.
- When replacing an existing freestanding fire.
- If lot is under 2ha proposed heater is be authorised under the Ministry of the Environment guidelines. For more information see www.mfe.govt.co.nz
- Details to submit include a floor plan of where the fire will go, manufactures specifications for installation. Also smoke detectors will need to be fitted to house if not already.
- When installing a new solid fuel heater that is not gas or electricity.

Can I put in a 2nd hand fire/heater?

Only on a property over 2ha in size refer www.mfe.govt.co.nz for guidelines, a producer statement is required

You can submit an application providing you have had it pre-checked by the manufacturer who will give you a written report on its life expectancy.

The application must also have included a floor plan of house, manufacturers specs and identify where smoke detectors are or will be placed.

When Do I Need a Building Consent for a Swimming Pool?

- Where the structure or excavation is capable of being used for the purpose of swimming, paddling or bathing and is deeper than 400mm.
- Swimming pools must be fenced in accordance with the Fencing of Swimming Pools Act 1987.

Do I need a Building Consent/Approval for a Spa Pool?

Council do not require a building consent for spa pools, however they must be registered with Council at a cost of \$100.00. Council will inspect and issue a letter of approval.

Spa pools must be fenced unless they are a minimum of 900mm above their supportive surface, with smooth flush non-climbable sides, removable access ladders and lockable lids.

When do I need a Building Consent for a deck?

- When the deck level of the structure is at a level where a person can fall more than one metre
- In all situations the structure must be constructed in accordance with the building code.
- Area of deck is not a consideration.
- Where deck is higher than 1m, approved guardrails are required New laws apply from 24/9/2007 refer building control officer- apply for Building Consent.
- If the deck has a permanent covered roof - It requires a building consent.
- If it is covered by a shade sail there is no requirement for a consent.

When do I need Building Consent for a fence?

- When it is in excess of 2 metres, above the supporting ground level.
- Resource Consent is required for fences over 2m high within 1.5m of the boundary.
- When it is part of a retaining wall and retains more than 1.5m in height or is within 1.5 of boundary. Resource Consent will apply
- When it is a chain mesh fence higher than 2m.

Do I need consent to remove an internal wall?

Only if it is a structural or load bearing wall.

What do I have to do to change my garage into a sleepout?

This is a change of use and will probably require require a building consent in order to meet the requirements of the building code in relation to habitable buildings. It will need to meet requirements of structure, fire safety, insulation, moisture control, lighting and ventilation along with any other Code requirements. Resource consent may also be required. Talk with a Building Review Officer about what you plan to do, and what will be required of you.

When do I need Building Consent for a garden shed?

- When it is over 10m² in floor area.
- Sitting of such minor building must be 1.5m from side or back boundaries or have neighbours' written consent.
- All roof water must be disposed of on site and in such a manner that it does not have any effects upon neighbouring properties.

If I replace my hot water cylinder, do I need Building Consent?

If you are replacing like with like, eg. Low pressure with another low-pressure cylinder and no other work is being carried out, eg. New water cylinder only and no pipe work, then no consent is required.

Should a high water pressure cylinder be installed, Building Consent is required.

Do I need Building Consent to replace my roof?

Provided you are replacing it with the same material as existing or the new replacement roof is lighter, we treat this as maintenance and do not require consent to be uplifted.

However, it must be carried out to comply with Building Code requirements, eg. Galvanised iron roof must have an approved roof underlay under same.

Do I need a consent to replace my wooden windows with aluminium?

No not if same size windows and replacing like with like.

Do I need a consent to Put in French Doors

If you already have existing windows where the doors are going and if the doors are going to be the same width and go no higher than the existing windows then you do not need Building Consent. However if the doors will be higher or wider then you will need consent.

Do I need Building Consent for a pergola?

No Building Consent is required to erect a pergola provided it does not have any roofing material fixed to same to provide shelter. However if it is sited in the front yard near a road boundary, Town Planning approval will be required.

What is the maximum size marquee I can erect without building consent?

Any tent or marquee up to 30m² in floor area and provided it does not remain in use for more than one month.

Complaints

What happens if I am unhappy about any decision the Building Consent Authority has made?

You have the right to appeal any decision the building consent authority has made, or complain about any building control function the building consent authority undertakes. A customer has a right to complain and have their complaint managed

What is a building control function?

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

- Meeting statutory time frames
- Lodgement or vetting of building consent applications
- Processing of building consent applications
- Inspection of work under construction
- Issuing of a notice to fix
- Issuing of code compliance certificates
- Issuing compliance schedules
- Failure to provide appropriate information or advice
- Fees and charges
- Failure to meet legislative or Building Code requirements

How do I make a complaint?

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

Complaints should be addressed to:

Building Control Manager
Waipa District Council
Private Bag 2402
TE AWAMUTU 3840

What information is required?

- 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)
- Relationship (customer, regulator, or stakeholder)

How long does it take?

All complainants will be responded to within 72 hours of the receipt of the complaint at which time you may be asked whether you wish to be heard in relation to the complaint or to provide further information.

All complaints will be actioned within 10 working days of receipt of 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:

Building Control Manager
Waipa District Council
Private Bag 2402
TE AWAMUTU 3840

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 you may apply to the Department of Building and Housing for a Determination. Visit www.dbh.govt.nz for further information on this service.