



A GUIDE TO OBTAINING A BUILDING CONSENT

This document sets out in simple terms what is required to obtain a building consent.

WHEN IS A BUILDING CONSENT REQUIRED?

A building consent is required for most building work including:

- New buildings
- Additions / alterations (may be classified as minor alteration work)
- Structural building work
- Plumbing and drainage work
- Lift and cable cars
- Demolition and relocation of second hand buildings
- Relocation of new buildings
- Solid fuel heaters

BUILDING CONSENT EXEMPTIONS

The Building Act (2004) and the November 2013 amendment has a list of building work that does not require a building consent. This information is contained in Schedule 1 of the Act and can be viewed and/or downloaded on the New Zealand Legislation website using the link below.

This document also describes the types of building work that under Schedule 1k may give you the option of applying to the local authority for a 'discretionary exemption' from requiring to obtain a building consent.

<https://www.building.govt.nz/assets/Uploads/projects-and-consents/building-work-consent-not-required-guidance.pdf>

While the Building Act provides for exemptions there may be other laws that you need to comply with. These include but are not limited to the following:

- The Building Code
- The Resource Management Act 1991
- Plumbers, Gasfitters, and Drain layers Act 1976
- The Electricity Act 1992
- The Health Act 1956
- Any Local Government Bylaws

Section 17 of the Building Act (2004) states that all building work must comply with the building code.

Plans of the exempt work once completed with a covering letter with the names of the contractors should be submitted to the Council for inclusion in the property file

If in doubt, please contact the building consents team to discuss on (06) 857 7731



IMPORTANT INFORMATION

Although you may only be applying for a **building consent**, as an applicant it is important to be aware of your responsibilities under the Building Act (2004).

Under Section 14b of the Building Act (2004), the **owner** is responsible for

- a) Obtaining any necessary consents, approvals, and certificates and
- b) Ensuring that building work undertaken complies with the building consent, or if there is no building consent, with the building code

When applying for a Building Consent please ensure all the other potential permissions required as part of the process are obtained. For example:

Resource Consent / Resource Consent from Hawkes Bay Regional Council

- *Please contact our Planning team for advice (06)857 8060.*

Vehicle Crossing/s

- *Please contact our Land Transport team for advice (06) 857 8060*

Service Connections (stormwater, sewer, and water)

- *Please contact our Three Waters team for advice (06) 857 8060*

Section 14b of the Building Act, part of Section 51 part 2 states –

The issue of a building consent does not, of itself:

- a) Relieve the owner of the building or proposed building to which the building consent relates of any duty or responsibility under any other Act relating to or affecting the building or proposed building; or
- b) Permit the construction, alteration, demolition, or removal of the building or proposed building if that construction, alteration, demolition, or removal would be in breach of any other Act.



HOW DO I GET BUILDING CONSENT?

The Council's Building Control Officers (BCO) and other staff involved in the processing of building consent applications need to know in detail the type and the extent of the building work you wish to undertake.

Council has a new building consent application system. From **6 July 2022**, all applications are to be submitted via the Objective Build Applicant Platform.

APPLY NOW button

Please use the checklist and guidance documents supplied to assist with the application. Building Control Officers can help but are unable to fill out the forms or supply design advice.

Fireplace application forms are the same as the standard building consent application form (FORM2). You may need to consult a professional with filling out the application correctly.

HOW DO I SUBMIT AN APPLICATION?

We strongly advise completing the building consent application checklist to ensure the quality and content of information provided meets the minimum standard for acceptance. If the application is deemed to be below standard or has missing information, it will be returned to you with a list of things to attend to. When you have attended to the missing information you may re-submit the application.

If you wish to book a pre-lodgement meeting with one of the building consent team to discuss your application, please call (06) 857 7731.

Building consent applications can be emailed to lodgement@chbdc.govt.nz or hand delivered / posted to CHBDC.

MINIMUM STANDARDS FOR DRAWINGS AND SPECIFICATIONS

Building consent applications can be made either electronically or in paper form (hand delivered or posted). The following minimum drawing standards apply:

- Only work relevant to the building consent application is shown on the plans (future plans may be shown to help with the planning of services)
- Only specifications relevant to the project are to be included
- Demonstrate dimensions and calculations (site coverage, height in relation to boundary, contours, etc.).
- Private stormwater drainage is identified e.g. onsite disposal or to public system
- If the application requires on-site stormwater disposal, details of how the water will be collected and disposed of must be included
- If the drinking water comes from a bore, a testing certificate confirming the water is potable
- Private foul water drainage is identified: e.g. septic tank and effluent
- If the application requires onsite wastewater disposal, the type of system being installed shall be identified along with engineering calculations stating capacity and site limitations, if any. For example, a 4500 litre septic tank with bio-filter and 160m of



effluent drainage, as shown on a [CHBDC onsite wastewater site and soil evaluation form](#).

- Identify any network drainage connection points (information can be sourced from CHBDC)
- Subfloor and wall bracing calculations (if applicable)
- Engineering calculations (As applicable. The PS1 must be up to date, state the engineer responsible, be signed and identify exactly what is covered. The owners' name and address must also be included)
- Supplementary reports as applicable (e.g. fire, acoustic and geotechnical)
- All applications should be accompanied by a risk assessment addressing weather tightness factors (e.g. an E2 risk matrix)
- Plans must be drawn to an appropriate scale so measurements can be checked. Acceptable scales: site plan 1:100, 1:200, 1:500 depending on area; cross-section 1:50; elevations 1:100; weather tightness risk features or construction details 1:10–1:20 or 1:50, etc.
- Drawings shall include: a drawing number and title; designer's name and contact details; owner's name; project address; scale, key, etc

Files must be named as follows:

- Application
- Plans
- Specifications
- Project Information Memorandum
- Geotechnical report
- Plumbing and drainage
- Other specific reports (e.g. acoustic etc.)

Please ensure the above expectations are met. Failure to do so may result in an application being rejected. If you are in any doubt about what is required, please contact the building consents team on (06) 857 7731.



CLASSIFIED USES

The building consent application form has a section on page 1 that asks for the *current, lawfully established use*. The descriptions below will assist with your selection.

1.0 EXPLANATION

1.0.1 For the purposes of this building code *buildings* are classified according to type, under seven categories.

1.0.2 A *building* with a given classified use may have one or more *intended uses* as defined in the Act.

2.0 HOUSING

2.0.1 Applies to *buildings* or use where there is self-care and service (internal management). There are three types:

2.0.2 Detached dwellings

Applies to a *building* or use where a group of people live as a single household or family. Examples: a holiday cottage, boarding house accommodating fewer than 6 people, dwelling or hut.

2.0.3 Multi-unit dwelling

Applies to a *building* or use which contains more than one separate household or family. Examples: an attached dwelling, flat or multi-unit apartment.

2.0.4 Group dwelling

Applies to a *building* or use where groups of people live as one large extended family. Examples: within a commune or marae.

3.0 COMMUNAL RESIDENTIAL

3.0.1 Applies to *buildings* or use where assistance or care is extended to the *principal users*. There are two types:

3.0.2 Community service

Applies to a residential *building* or use where limited assistance or care is extended to the *principal users*. Examples: a boarding house, hall of residence, holiday cabin, *backcountry hut*, hostel, hotel, motel, nurse's home, retirement village, time-share accommodation, a work camp, or camping ground.

3.0.3 Community care

Applies to a residential *building* or use where a large degree of assistance or care is extended to the *principal users*. There are two types:

(a) **Unrestrained**; where the *principal users* are free to come and go. Examples: a hospital, an old people's home or a health camp.

(b) **Restrained**; where the *principal users* are legally or physically constrained in their movements. Examples: a borstal or drug rehabilitation centre, an old people's



home where substantial care is extended, a prison or hospital.

4.0 COMMUNAL NON-RESIDENTIAL

4.0.1 Applies to a *building* or use being a meeting place for people where care and service is provided by people other than the *principal users*. There are two types:

4.0.2 ASSEMBLY SERVICE

Applies to a *building* or use where limited care and service is provided. Examples: a church, cinema, clubroom, hall, museum, public swimming pool, stadium, theatre, or whare runanga (the assembly house).

4.0.3 ASSEMBLY CARE

Applies to a *building* or use where a large degree of care and service is provided. Examples: an early childhood education and care centre, college, day care institution, centre for handicapped persons, kindergarten, school or university.

Schedule 1 clause A1 4.0.3: amended, on 1 December 2008, by section 60(2) of the Education Amendment Act 2006 (2006 No 19).

5.0 COMMERCIAL

5.0.1 Applies to a *building* or use in which any natural resources, goods, services or money are either developed, sold, exchanged or stored. Examples: an amusement park, auction room, bank, car-park, catering facility, coffee bar, computer centre, fire station, funeral parlour, hairdresser, library, office (commercial or government), Police station, post office, public laundry, radio station, restaurant, service station, shop, showroom, storage facility, television station or transport terminal.

6.0 INDUSTRIAL

6.0.1 Applies to a *building* or use where people use material and physical effort to:

- (a) extract or convert natural resources,
- (b) produce goods or energy from natural or converted resources,
- (c) repair goods, or
- (d) store goods (ensuing from the industrial process).

Examples: an agricultural building, agricultural processing facility, aircraft hangar, factory, power station, sewage treatment works, warehouse or utility.

7.0 OUTBUILDINGS

7.0.1 Applies to a *building* or use which may be included within each classified use but are not intended for human habitation, and are accessory to the principal use of associated *buildings*. Examples: a carport, farm *building*, garage, greenhouse, machinery room, private swimming pool, public toilet, or shed.

8.0 ANCILLARY

8.0.1 Applies to a *building* or use not for human habitation and which may be exempted from some amenity provisions, but which are required to comply with structural and safety-related aspects of the *building code*. Examples: a bridge, derrick, fence, free-standing outdoor fireplace, jetty, mast, path, platform, pylon, retaining wall, tank, tunnel or dam



BUILDING CONSENT PROCESSING

Once accepted the Building Consent Authority (BCA) has 20 working days (statutory timeframe) to process the application.

Throughout the process, the application will be checked by each relevant council department against the required information and you may receive letters, emails and phone calls from departments other than the BCA requesting further information.

The request from other departments does not stop the statutory clock.

The BCA will check plans and specifications for compliance with the New Zealand Building Code. If further information is deemed necessary in order to establish compliance with the Building Code, the BCA will request further information from you or your authorized agent.

At this point the application and statutory clock are suspended until that information is supplied.

It is possible to receive more than one further information request from the BCA depending on the quality and content of the information that has been subsequently supplied

Once compliance has been established your consent will be granted. The BCA has 20 working days to grant your building consent from the application date.

You will be informed in writing when the building consent is granted and issued with an invoice for the balance of the processing fee. This must be paid in full before the consent is deemed 'issued' and sent to you.

If compliance cannot be established for any reason your consent may be refused, at which point it will be returned with reasons supplied for the refusal to grant the consent.

MULTI PROOF CONSENTS

These consents are processed by the Ministry Business, Innovation and Employment and are to be processed within a 10 working day time frame. The Council will look at the siting, correct wind and snow zones, any plumbing and drainage and sub floor elements, storm water and sewerage disposal

THE BUILDING CONSENT HAS BEEN ISSUED – NOW WHAT?

Stamped and approved plans will be supplied electronically (printing will incur an additional fee) and **MUST** be kept on site at all times and available for the Building Control Officer (BCO) to check. Inspections cannot be completed without viewing this documentation.

Work must begin within 12 months from the date the consent was issued or the consent will lapse. If work cannot start within this time frame but you still intend to do so, you may contact the BCA and request a time extension.

If work is not started within this new timeframe, the consent may lapse.



INSPECTIONS

The building consent will be issued with a list of inspections deemed to be required in order for the Building Consent Authority (BCA) to be assured that once inspected under this regime, that compliance with the Building Code and consented drawings will have been achieved.

The inspections are listed in the anticipated construction order that they will be required and provide the evidence required for the BCA to issue a Code Compliance Certificate at the end of the building project.

A copy of 'Inspection terminology' is supplied with the building consent to clarify what each inspection entails and what stage the project should be at when an inspection request is made.

When an inspection is undertaken the BCO will check work has been completed in accordance with the consented drawings.

If the work complies, the inspection sheet will note a *passed* inspection, the date and the BCO's name or initials.

Reasons will be provided for a *failed* inspection and either a site instruction or Notice to Fix issued. Either may result in another visit to inspect the remedial work. Work may be stopped at this stage or a conditional continuation may be approved. Additional charges may apply for re-inspections.

The inspection regime will continue until all inspections have been completed and passed.

TO BOOK AN INSPECTION

A booking is required for every inspection so please give as much notice as possible as it is not always possible to be there with less than 48 hours' notice. We will do our best to work with you and find a mutually suitable time.

Bookings can be made by phoning 06 857 7731. Please ensure you have the following information available (refer to the site inspection sheet issued with the building consent).

- Building Consent number
- Type of inspection i.e. (foundation, pre-slab, pre-line, plumbing and drainage)
- Site address
- Name of person making booking
- Contact phone number

APPLICATION FOR AN AMENDMENT TO A BUILDING CONSENT

SECTION 45 BUILDING ACT 2004

An application for an amendment to a building consent must:

- a) In the case of a minor variation, be made in accordance with section 45A; and
- b) In all other cases, be made as if it were an application for a building consent, and this section, and sections 48 to 51 apply with any necessary modifications.



Guidance on amendments to a building consent is available as a publication on www.building.govt.nz

45A MINOR VARIATIONS TO BUILDING CONSENTS

1. An application for a minor variation to a building consent:
 - a) Is not required to be made in the prescribed form; but
 - b) Must comply with all other applicable requirements of section 45.
2. Sections 48 to 50 apply, with all necessary modifications, to an application for a minor variation.
3. A building consent authority that grants a minor variation—
 - (a) Must record the minor variation in writing; but is not required to issue an amended building consent.

2 YEARS FROM THE DATE OF GRANTING THE BUILDING CONSENT

If a Code Compliance Certificate (CCC) has not been issued or applied for within 2 years of granting the building consent, a reminder letter will be issued requesting information on the project status.

Please inform us if you think work may not be completed within the 2 year timeframe. You may apply for a time extension to complete the building project which may be granted after a review of your file.

If an extension is granted, work should be completed and a final inspection undertaken by the due date.

If an application for CCC has not been received before two years after the Building Consent was granted, Council is obliged to undertake an inspection and decide whether or not to issue a CCC.

CODE COMPLIANCE CERTIFICATE (CCC) PROCESS

When all of the work has been completed, please book a *final inspection* and supply a completed CCC application form (attached to the building consent) which can either be posted to Council or handed to the Building Control Officer on the day of the inspection.

The CCC application must be signed by the owner or owner's agent and be submitted with all the relevant supporting documentation (listed in advisory notes in the building consent pack).

If the final inspection is failed for some reason, a Notice to Fix will be issued listing the items that require attention in order to establish compliance with the Building Code and a mutually agreed timeframe for this work to be completed by.

At this point, the CCC the application will be suspended until the work has been completed.



Whenever a request is refused (as with the failed final inspection, or any other reason) reasons will be provided in writing and you will have the opportunity to appeal the decision or carry out any remedial work under a Notice to Fix.

Another inspection of the work may then be required to ensure it complies with the consented documents and, if so, a CCC will be issued.

The Council then has a total maximum time of 20 working days in which to make the decision on whether to issue CCC or not.

If compliance with the Building Consent cannot be adequately established the BCA may refuse to issue the CCC.

Any cost incurred by the Council additional to that paid at the time of issue of the building consent is payable prior to the issue of the CCC.

FURTHER ADVISORY NOTES AND INFORMATION

The Land Transport Department are required to carry out an inspection on your vehicle crossing (access way).

If your crossing does not comply with council standards, you will be requested to submit a vehicle crossing application form (refer fees & charges) and upgrade the vehicle crossing at your own cost. Please contact the Land Transport team on (06) 857 8060 for further information.

PRODUCER STATEMENTS

A producer statement, while not specifically mentioned in the Building Act (2004), can provide invaluable additional information to assist in determining compliance with the Building Code.

A Producer Statement states that certain work will be carried out in accordance with certain technical specifications and will comply with the Building Code and could cover any of the following areas: design review, construction, construction review.

Producer Statements should be submitted on forms supplied by the professional organisations involved, such as charter professional engineers.

Copies of calculations that form part of the basis of any producer statement must be included.

The author of the Producer Statement must be on the Building Consent Authority (BCA) register in order for their producer statement to be accepted as part of the application.

ACCESS AND FACILITIES FOR PEOPLE WITH DISABILITIES

The *Building Act Section 118 and Schedule 2* outline a large range of commercial buildings to which access and facilities for people with disabilities are to be provided for. This schedule describes most commercial buildings and/or building use.



The objective of NZ Building Code section D1.1 (c) is to *‘ensure people with disabilities are able to enter and carry out normal activities and functions within buildings’*. They are not to be discriminated due to their disability, which may be a short-term accident or long-term disability.

You must ensure that your building consent application has allowed for any required changes under the legislation in the Building Act (2004).

It is advisable to check what will be required at the design stage of the application as it is highly likely that some part of your building work may trigger the provisions of this part of the Building Act and the Building Code.

Refer to the MBIE website for more information available and publications on ‘Accessibility’:
<http://www.building.govt.nz/building-code-compliance/d-access/>

EARTHQUAKE PRONE BUILDINGS

The Central Hawke’s Bay District Council has an earthquake prone building policy which has been formally adopted by Council. Any building built prior to the implementation of New Zealand Structural Standard 4203 (1976) will be subject to this policy.

Building consent applicants are advised that if considering alterations to a building that may be subject to this policy, a discussion with a Building Consents Officer is recommended as it may be necessary to incorporate strengthening elements, regardless of the nature of the work to which the building consent applies.

Buildings undergoing a change of use will require strengthening regardless of where they fit within the strengthening schedule.

CHANGE OF USE

The change of use of a building, whether that change requires building work or not, will trigger the ‘change of use’ provisions of the Act. Section 114 and 115 stipulate the matters that must be considered for any change of use of a building.

The applicant will need to consider all the requirements of section 115(b).

The specific degree of structural strengthening required (if any) cannot be assessed until a comprehensive evaluation of existing building strength is made.

FIRE PROTECTION REQUIREMENTS

Fire safety in a commercial building is assessed under the NZ Building Code, C Clauses. Most work in a commercial building will require a fire report, but this requirement can be discussed before you make an application.

A fire report is required at building consent application stage and needs to demonstrate how the building will continue to comply with the Building Code with respect to protection from and means of escape from fire. Any fire rated construction, i.e. walls, floors or ceilings are to be shown on the plans and sections and construction details provided.

The proposed work may be ‘just an office fit-out’ but can impact on means of escape and the positioning of sprinkler and smoke alarm heads.



Some applications will be sent to Fire and Emergency New Zealand if they meet the criteria outlined in the [New Zealand Gazette notice number 2012-g02694](#) [New Zealand Gazette, No. 49 3 May 2012](#)

HEALTH

A building consent application for work where the intention is to turn a building into premises intended for the sale and consumption of food e.g. cafes, restaurants, bars etc will require approval under the Food Hygiene Regulations 1974 and the Sale of Liquor Act 1989 as well as the Building Act, and may, as with other commercial premises, require local planning approval.

This will be reviewed at building consent stage.

The Environmental Health Officer(s) will require specifications, plans and elevations detailing the following:

- Surface finishes
- Ventilation
- Wash hand facilities
- Food storage facilities
- Cooking and cleaning facilities, sinks, dishwasher
- Grease trap and backflow devices
- Menu specifying type food being prepared and served in the premises

A Health License for the premises will be required before the public is permitted to use the premise.

Please contact the [CHBDC Environmental Health Officer](#) and [Liquor Licensing Officer](#) for guidance as part of your application. Please also seek planning advice for permitted activities in the area prior to applying for a building consent

USE OF A BUILDING BY THE PUBLIC TO WHICH A BUILDING CONSENT APPLIES

If a building is classified as a *building for public use* under the Building Act 2004 it is illegal for members of the public to use the building until the Code Compliance Certificate (CCC) has been issued or a Certificate of Public Use (CPU) applied for and granted by the Council.

Please check with the Council if this restriction will apply when submitting the building consent application.

COMPLIANCE SCHEDULES

Under the Building Act (2004), all buildings except single residential dwellings require a Compliance Schedule if they contain specified systems or features (e.g. fire safety systems, lifts etc.). A list of these specified systems is available under the compliance schedule section of the building consent application form.

The systems involved will require regular maintenance to ensure efficiency and effectiveness is retained. If your building contains specified systems, you must complete the Schedule of Specified Systems and supply with your application the maintenance, inspection and reporting conditions for each system.



Information can be found on the [Compliance Schedule & Building Warrant of Fitness page](#) or from the Council office on Ruataniwha St (a fee will be incurred for printed material).

When the building work is completed, a Compliance Schedule Statement will be issued and an annual Building Warrant of Fitness (BWOF) will be required as long as the building contains any specified systems.

FEES

Refer to our fees and charges page.

Add link

RESTRICTED BUILDING WORK (RBW)

From 1st March 2012 only LBP's may carry out or supervise certain types of building work known as "restricted building work" on homes and small to medium sized apartments.

RBW is work that is deemed to be critical to the integrity of the building, namely:

- Design and construction related to the structure (load-bearing walls; foundations, etc.)
- Design and construction that relates to moisture penetration (roofs, cladding, etc.)
- Design of fire safety systems for small to medium sized apartments

The scheme has seven licence classes:

- Designers
- Carpenters
- External plasterers
- Bricklayers and block layers
- Foundation specialists
- Roofers
- Site (i.e. onsite supervisors or managers)

As of March 2012, it is an offence for an unlicensed person to carry out or supervise any restricted building work and it is an offence to knowingly engage an unlicensed person to carry out or supervise restricted building work unless they have obtained an '**owner builder exemption**' from the Building Control Authority.

If during the course of the work you decide that you wish to carry on some of the RBW yourself under an owner builder exemption but did not fill out a FORM 2b with the initial application, then you will need to fill out a Form 2c, available from the council offices and on the CHBDC web-site www.chbdc.govt.nz/get a **consent**

Licensed Building Practitioners (LBPs), these are listed on the Ministry Business, Innovation & Employment website – [Building Performance](#) (search find an LBP Register).

OWNER BUILDER EXEMPTION APPLICATIONS

Restricted Building Work may also be done by a non-licensed person when the applicant is the owner and has applied for an Owner Builder Exemption under Section 45 (5) of The Building Act 2004.

This type of application must be accompanied by a statutory declaration on the prescribed form as to the owner builder status with regards to the building work and / or design work.



This statutory declaration form is attached to the rear of the standard Building Consent application form

In order for your application under this status to be accepted you must comply with all of the criteria to be classified as an owner builder.

Further information can be obtained from the following web sites:

Ministry Business, Innovation & Employment

www.building.govt.nz

Department of internal Affairs

www.legislation.govt.nz



BUILDING CONSENT PROCESS – HOW IT ALL WORKS

The chart below summarises the building consent process.

