

GETTING YOUR DESIGNS BUILT

An introduction to the NZ Building
Code, Compliance & Consents

What is a 'consent' ?

- Before commencing building work on a project, you will need to check if you require either of the following:
 - Resource Consent
 - Building Consent
- These permissions/approvals are issued by the local City or District Council, who are responsible for ensuring building work adheres to NZ building laws & regulations

What is the legislation?

- Resource Management Act 1991
- Building Act 2004
(supersedes 1991 act)

Who makes the law?

- Resource Management Act 1991
- Ministry for the Environment
- Building Act 2004
(supersedes 1991 act)
- Department of Building & Housing
(now part of Ministry of Business,
Innovation & Employment)

What is the relevant consent?

- Resource Management Act 1991
- Ministry for the Environment
- Resource Consent
- Building Act 2004
(supersedes 1991 act)
- Department of Building & Housing
(now part of Ministry of Business,
Innovation & Employment)
- Building Consent

Who administers it?

- Resource Management Act 1991
 - Ministry for the Environment
 - Resource Consent
 - Regional and District Councils
- Building Act 2004
(supersedes 1991 act)
 - Department of Building & Housing
(now part of Ministry of Business,
Innovation & Employment)
 - Building Consent
 - City Councils

NZ Regional Councils

- Our local regional council is the Greater Wellington Regional Council
- Regional councils deal with Resource Consents affecting resources common to the region, including:
 - Land use permits
 - Discharge permits
 - Water permits
 - Coastal permits
- It is not likely that you will need to work with this level of Resource Consent

Territorial (City & District) Councils _ Wellington Region



Territorial (City & District) Councils _ Wellington Region

- Our local territorial council is the Wellington City Council (WCC)
- The WCC has two departments relevant to building work:
 - Development Planning & Compliance
 - Resource Consents
 - Building & Licensing
 - Building Consents

Understanding Resource Consents & the District Plan

- NZ Legislation : Resource Management Act 1991
- Local Government Legislation: District Plan
- Local Authority: Wellington City Council

District Plan_Overview

- The Wellington City District Plan is a legal document which helps the Council manage the development of the city by regulating the environmental effects created by new buildings and activities.
- The plan contains rules that may affect you if you are making a development or land-use proposal.
 - Volume 1: Objectives, Policies and Rules - covers each geographic area specified in the plan, including descriptions of each area's character.
 - Volume 2: Design Guides - offers guidelines for developments of particular types (such as multi-unit housing) or on particular sites (such as within institutional precincts or specific character areas). This volume also contains suggested guidelines relating to design against crime and wind.
 - Volume 3: Maps - specifies the areas within the city where particular policies or rules apply.

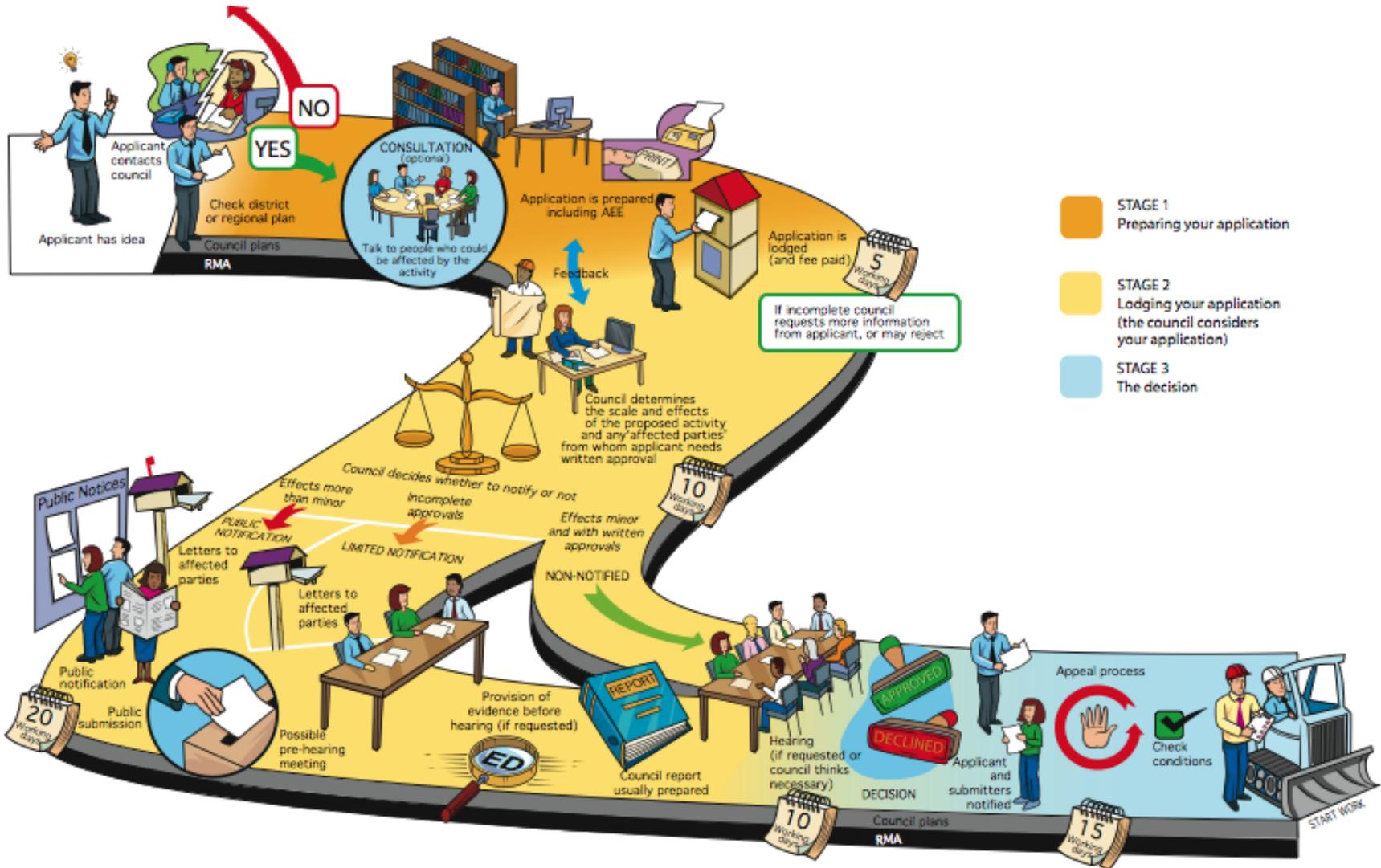
District Plan _ Objectives

- generally contain development within the established edges of the city
- maintain and enhance the quality and vitality of the central city
- encourage more intensive development within existing residential areas
- maintain a pleasant living environment in residential areas
- encourage non-residential activities (such as schools and shops) which are easily accessible from residential areas
- protect and enhance special character and heritage areas
- improve the quality of multi-unit housing
- improve the quality of subdivision design and development.

Resource Consent

- Any development, subdivision or other proposed use of a site must be assessed against the Council's District Plan.
- The District Plan contains rules about different types of activities in different parts of the city (divided into Inner & Outer Residential).
- Anything not permitted by the Plan requires a resource consent, which will be for either a land-use consent or a subdivision consent.
 - building a new deck close to a boundary
 - planning a new multi-level apartment building
 - setting up a work-from-home business
 - subdividing a property

Resource Consent Application Process



What do you need to apply for Resource Consent?

- Assessment of environmental effects
- Certificate of Title (from Land Information NZ)
- Locality Plan / Aerial photograph
- Existing Site Plan
- Proposed Site Development Plan
- Elevations
- Fee

For your project you will provide the following:

- Locate your site on the District Plan maps
- Locality Plan / Aerial photograph
- Existing Site Plan
- Proposed Site Plan
- Demonstrate that you have considered the environmental effects that may require consent if this was a real project

Understanding Building Consents & the Building Act

- **NZ Legislation : Building Act 2004**
 - Building Act Amendments
 - Building Amendment Act 2005
 - Building (Consent Authorities) Amendment Act 2007
 - Building regulations
 - Building Code (Schedule 1 of 1992 Regulations)
 - Building Code Compliance Documents
 - Other Building Regulations related to Building Act 2004

Building Act_Overview

- In New Zealand, the building of houses and other buildings is controlled by the Building Act 2004. It applies to the construction of new buildings as well as the alteration and demolition of existing buildings.
- The Building Act 2004 has repealed the Building Act 1991 and introduces a number of changes to the law governing building work. These changes are introduced in stages. Some have already taken effect, but others will be implemented over the next few years.

Building Act_Structure

- Part 1: The purpose and principles of the Building Act, together with an overview, and commencement dates for various provisions and definitions. These sections provide an important reference point for reading and interpreting the Building Act.
- Part 2 (and Schedules 1 and 2): Matters relating to the Building Code and building work (for example, building consents).
- Part 3: Sets out the functions, duties and powers of the chief executive of the Department of Building and Housing, territorial authorities, regional authorities, and building consent authorities. It also deals with the accreditation of building consent authorities and dam owners, and product certification.
- Part 4 (and Schedule 3): Matters relating to the licensing and disciplining of building practitioners.
- Part 5 (and Schedule 4): Miscellaneous matters including offences and criminal proceedings, implied terms of contracts, regulation-making powers, amendments to other enactments and the repeal of the Building Act 1991, and the transitional provisions from the Building Act 1991 to the Building Act 2004.

Note: Earthquake-Prone Buildings

- The definition of earthquake-prone buildings has changed with the Building Act 2004, including:
- the definition is no longer restricted by building construction type or materials
- the threshold strength has been effectively raised to a third of the current structural design code.
- The new definition of earthquake-prone buildings is in the Building Act, Part 2, Section 122.

Regulations_Building Code

- Building regulations are made under and in accordance with the Building Act 2004 (the Act).
- Schedule 1 of the 1992 Regulations contains the Building Code.
- The Building Code sets out performance standards that all new building work must meet. It covers aspects such as structural stability, fire safety, access, moisture control, durability, services and facilities. All new building work must comply with the Building Code.

Compliance Documents

- The Building Code does not contain prescriptive requirements. It states how a building is to perform (given in qualitative or quantitative terms), but does not prescribe detailed requirements for design and construction. Such details are found in the non-mandatory [Compliance Documents](#), which the Department of Building and Housing produces to help people meet the requirements of the Building Code.

Code & Compliance Structure

- The Building Code consists of two preliminary clauses and 35 technical clauses.
- Each technical clause contains an Objective, Functional Requirements, and Performance Criteria. The objectives correspond to the purposes of the Building Act.
- Each technical clause also has two corresponding Compliance Documents: Verification Methods and Acceptable Solutions
- This results in a five level structure

Levels_Building Code

- **Mandatory** criteria that must be met in order to comply with the Building Act:
 - **Level 1. Objective** - The social objectives which the building must achieve.
 - **Level 2. Functional requirement** - Describes what the building must do to satisfy the social objective.
 - **Level 3. Performance** - Qualitative or quantitative criteria which the building must meet in order to comply.

Levels_Compliance Docs

- **Non-mandatory** guidelines providing methods of compliance with the Building Code
 - **Level 4. Verification Methods** - Tests and calculation methods by which an alternative solution may be evaluated for compliance.
 - **Level 5. Acceptable Solutions** - Examples of prescriptive solutions which provide a means of compliance.

Alternative Solutions

- The simple way to meet the requirements of the Building Code is to follow the commonly used methods contained in [Compliance Documents](#), which are published by the Department of Building and Housing. However, compliance can also be achieved using [Alternative Solutions](#).
- Not everyone wants a 'one size fits all' building solution. A building owner may want something that looks different or performs better, or is cheaper to build, or to overcome a specific site problem. Also, there may not be a Compliance Document for the proposed construction.
- An Alternative Solution is anything outside the Compliance Documents that complies with the Building Code.
- The onus of proof of compliance is with the building owner (or the owner's agent, e.g. an architect, engineer, or builder) who needs to provide sufficient evidence that the proposal will meet the provisions of the Building Code.

The process

1. Scope the project: Determine which parts of the project are not covered by a Compliance Document. These parts will require an Alternative Solution.
2. Identify the relevant Building Code clauses: Note that Clause B2 Durability must always be included.
3. Identify the performance criteria that apply (How much is needed - by quantitative or qualitative measures)
4. Establish the proof: The documentation for the proposed alternative solutions must contain sufficient proof to show that the performance criteria of all identified clauses will be met. A building consent application will be accepted when compliance is clearly established.

WCC Building Services

- The Council's Building Services team can help you with a range of building needs and requirements including:
 - building consent applications and amendments
 - project information memoranda (PIMs)
 - building and plumbing inspections
 - code compliance certificates
 - compliance schedules and building warrants of fitness
- You can access application forms, check-sheets and building guides online, or pick up paper copies at any Council Service Centre.

Building Consent - Guidelines

- If you're planning any construction, demolition or alteration work, you probably need to obtain a building consent before the work begins. Some work may also require resource and earthworks consents.
- A building consent gives you the authority to carry out construction and plumbing work with approved plans and specifications.
- Work cannot start until you have a building consent and all other necessary authorisations (such as resource consents).
- Once a consent has been issued, work must begin within 12 months and adhere to approved building plans. Inspections are required throughout the construction process in order to secure the final Code Compliance Certificate.

When You Need a Consent

- It's a good idea to contact the Council for advice if you're planning any kind of building or plumbing work. The following are examples of work requiring a building consent:
 - structural building including new buildings, additions, alterations, accessory buildings (sheds), and re-piling
 - plumbing and drainage
 - demolition or relocation of existing structures
 - heating (solid fuel fireplaces), ventilation and air conditioning systems
 - siteworks
 - retaining walls higher than 1.5m
 - fences higher than 2m (timber) or 1.5m (concrete)
 - swimming pools and large tanks
 - decks more than 1m from ground level

Building Consent - Application Requirements

- When you apply for a building consent you need to supply detailed information, documentation and a fee based on the value of the project.
- The following is essential reading for anyone planning a building project or applying for a consent:
 - [Building Consent Checksheets](#)
 - [A Guide to Resource Consents in Wellington City](#)
- The Council's Building Permissions Team can help you prepare your application.
- All building consent applications will be processed within 20 working days

Inspections

- All building consents require specific inspections for building and plumbing work. The Council carries out inspections to ensure work complies with the building consent. These are necessary to obtain your final Code Compliance Certificate.

When You Need an Inspection

Inspections cover a range of building and plumbing areas, including:

- foundations, retaining walls and slabs
- plumbing and drainage
- framing, including bracing and airseals
- building wrap, flashings and cladding
- pool fencing
- solid fuel fireplaces
- waterproofing on showers, decks, roofs and retaining walls
- completed works.

Code Compliance Certificate

A Code Compliance Certificate is issued when a job is finished and the Council is satisfied building and plumbing work under the consent complies with:

- the New Zealand Building Code at the time of issue of the building consent.
- When you achieve compliance, it's recorded in any land information memorandum (LIM) and building status report for your property.

Benefits

Property owners benefit by ensuring work on their property has a Code Compliance Certificate in a number of situations:

- selling your home
- applying for loans or other financing
- applying for insurance
- safety and peace of mind.

Building Code checks for your project

- As Part A of your Systems paper you will be asked to undertake a Building Code check in relation to your Studio project.
- You will need to produce a report as well as schematic planning diagrams with the relevant Building Code checks annotated and referenced.

Building Code checks for your project

- The parts of the Code that you will need to look at are:
 - **C: Fire Safety**
 - How many fire exits will you require and what is the width and type of egress?
 - **D1: Access Routes**
 - Design a stair and/or ramp (including handrail) that meets Code.
 - **F4: Safety From Falling**
 - Design a balustrade that meets Code.
 - **G1: Personal Hygiene**
 - How many toilets and sink fixtures will you require, and what is the minimum size/area?
 - **G3: Food Preparation**
 - Ensure you have a food preparation area that meet both Code and user requirements.