South Waikato District Council

ON THE LEVEL

June/July 2021

Kia ora! Greetings!

Half of the year has gone by already and whilst we have seen a significant increase in the number of building consent applications we are still working hard to provide the customer service our customers are used to receiving in our district.

With this increase in workload you may notice things aren't moving quite as fast as they used to but it is important to note building consent applications may take up to 20 working days to process. Please be mindful that when applications go on hold for requests for further information (RFI's) the time clock stops and only continues once each RFI point has been signed off.

In addition remember that the inspection service we provide is currently on 24 hours minimum notice for bookings through our inspection line 07 985 3209, with the workload increasing for all parties we strongly recommend calling ahead of time to secure the inspection slot you require.

FEES & CHARGES

Fees and charges are reviewed annually and as of 1 July this year the fees and charges have increased by 3% with the exception of the building levies which remain the same.

Please familiarise yourself with these once they are available on our website from this date. ***https://www.southwaikato.govt.nz/our-council/fees-and-charges/building-consent-fees***

This increase in fees ensures that we are able to continue to provide the same level of service currently enjoyed.

SOLID FUEL APPLIANCES

We are into the cooler months of the year which again brings a heightened number of new burning appliance installations throughout the district.

It is a timely reminder that when applying for your building consent that you include the appliance and flue installation specification (including flashing and flue height in relation to the ridge) along with a full floor plan detailing smoke detection in relation to sleeping spaces and also the location of the appliance.

This information helps to expediate your application.

What's New

Page 1

Summary

Fees & chargers

Soild fuel appliances

Page 2

Code Compliance Certificates (CCC's)

Page 3 & 4

Certificate of Acceptance (COA)

All building enquiries:

Phone: 07 985 3894

For building inspections:

Phone: 07 985 3209

If you are not aware there is also a new exemption which covers "Permanent outdoor fireplaces and ovens", refer to the summarised details below or to the exemption building work link:

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

Outdoor permanent fireplaces and ovens must always be located at least 1 metre away from any combustible objects such as trees, shrubs, buildings or wood storage piles. Users should always follow the manufacturer's safety precautions. This exemption only applies to those fireplaces or ovens with a cooking or fire surface of no more than 1 square metres.

Outdoor fireplaces or ovens should be installed by a competent person in accordance with the manufacturer's instructions and AS/NZS2918 (for solid fuel appliances). Gas burning outdoor fireplaces or ovens must be installed by a certifying gasfitter.

Freestanding fireplaces or ovens must be anchored and seismically restrained as outlined in supplier and/or manufacturer instructions.

CODE COMPLIANCE CERTIFICATES (CCC'S)

Recently we have received queries around code compliance certificates with a push on having them issued or why they have been refused and it can come down to time constraints or legislation within the Building Act.

If you have applied for your code compliance certificate but no final inspection has ever been booked with us, specified inspections have not been carried out or if no inspections have been carried out at all then we must refuse to issue the code compliance certificate.

We are charged with administering the New Zealand Building Act 2004, Section 93 which dictates the decision making on whether to issue the code compliance certificate and if we cannot be satisfied that compliance has been met we must refuse to issue the code compliance certificate.

This does not mean you will never receive certification for the building consent, it just means we cannot be satisfied within the allotted timeframe, you can reapply once all the work has been completed and a final inspection has been booked or undertaken and passed. Please note that there may be the requirement for modifications to building code durability and/or costs associated with this process.

Additionally, we understand that there may be frustration to get the work certified for your clients before the required 20 working days notice. We will work with you but we must also be mindful of giving service to the ongoing management of the processing and inspecting of building consents in front of us within the 20 working day timeframe.

CERTIFICATE OF ACCEPTANCE (COA)

We don't receive many applications for certificate of acceptances however it is important to note that the intention of this certification is for work that has been carried out urgently and if general work has just been carried out without building consent to hurry things along with no suitable urgent reason we may refuse to issue a COA.

If the building work was carried out under urgency for the purpose of saving or protecting life or health or preventing serious damage to property and where there was no time to obtain a Building Consent e.g. wastewater drains (prior agreement must still be obtained from Council first); or

Where a private Building Consent Authority (non-Council) is unable or refuses to issue a Code Compliance Certificate (CCC) even though they have issued a Building Consent for this work.

A COA cannot be issued in the following circumstances:
For any work completed without a Building Consent prior to 1 July 1992. There is no process available through Councils for acceptance or qualification of this work. Where such building work is the subject of a condition for a building report in a sale and purchase agreement, then you will need to obtain the inspection services of a qualified person from the private sector.

Where a Building Consent has been obtained (except where a BCA or certifier is unable or refuses to issue a CCC) eg. the owner needs to complete the building consent process and apply for a CCC.

New Zealand Building Act 2004, Section 42 states:

42 Owner must apply for certificate of acceptance if building work carried out urgently

(1) If, in reliance on section 41(1)(c) or (cb), building work is carried out without a building consent having been obtained in respect of that work, the owner must, as soon as practicable after completion of the building work, apply for a certificate of acceptance under section 96.

(2) A person who fails to comply with subsection (1)—
- (a) commits an offence; and
- (b) is liable on conviction,—
  - (i) in the case of an individual, to a fine not exceeding $5,000:
  - (ii) in the case of a body corporate, to a fine not exceeding $25,000.

(3) *[Repealed]*

Section 42(1): amended, on 17 December 2019, by section 10 of the Building Amendment Act 2019 (2019 No 27).

Section 42(2): replaced, on 8 June 2021, by section 21 of the Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021 (2021 No 21).

Section 42(3): repealed, on 8 June 2021, by section 21 of the Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021 (2021 No 21).

Unauthorised Building Work
Unauthorised building work is work carried out with no evidence of a building permit (if constructed prior to 1 July 1992) or with no evidence of a building consent (if constructed on and from 1 July 1992).

How can I find out if work on my property had a building permit or building consent?
Use the following link for further information on building permits and/or building consents granted for work carried out on your property.

www.southwaikato.govt.nz/our-services/do-it-online/property-and-building-files

Building work carried out prior to 1 July 1992
Under the Building Act 2004, building work that was completed before the Building Act came into effect (before 1 July 1992) is not required to be inspected and signed off by Council.

If you own a structure built before 1 July 1992, and you have concerns about its compliance, we recommend obtaining a builder's report from a suitably qualified third party.

A building consent will be required for any additional or future building work.

Offences
It is illegal to carry out building work without a building consent or where the work does not comply with the building consent that has been issued.
The owner of any building work carried out under urgency commits an offence if they do not apply for a certificate of acceptance.

How to apply for a Certificate of Acceptance?
A certificate of acceptance must be applied for online. Guidance and the link is available on the Council website

www.southwaikato.govt.nz/our-services/building#toc-link-0

The application must also be accompanied by:
- Plans and specifications.
- Any other information that is required by regulations or by the Council.
- The relevant COA fee
- Any fees, charges, or levies
- A project information memorandum for the building work, if one has been issued.
- If a compliance schedule (public / commercial building

only) is required as a result of the building work, attach full details of all specified systems for the building.
- If an amendment to an existing compliance schedule is required as a result of the building work, attach full details of all specified systems that are being - altered to, added to or removed from the building in the course of the building work.

Assessing the application
The Council has 20 working days, from the time of lodgement, to process the application and then make a decision on whether to issue or to refuse the application. This involves both document processing and onsite inspections.

However, a Council may, within the 20 days, require further reasonable information in respect of the application. If further information is requested the 20 day processing clock is stopped. Once all required information is received, the clock continues.

The decision to grant and issue the COA or to refuse the application

Council (Building Consent Authority) may issue a certificate of acceptance only if it is satisfied, to the best of its knowledge and belief and on reasonable grounds, that, insofar as it could ascertain, the building work complies with the building code (Building Act s96(2)).

If a Council refuses to grant an application for a COA, the Council must give the applicant written notice of
(a) the refusal; and
(b) the reasons for the refusal.

A COA may be qualified to the effect that only parts of the building work were able to be inspected (Building Act s99(2)).

Fees
The Building Act 2004 allows Building Consent Authorities to charge both a COA fee as well as the full fees and charges and levies that would have been payable if the owner had applied for a Building Consent prior to building.

Please refer to the website ***www.southwaikato.govt.nz/our-council/fees-and-charges/building-consent-fees for details of fees.***

Note: As always, unauthorised building work may affect your insurance cover, please check with your insurance company.

INTERNATIONAL ACCREDITATION NEW ZEALAND (IANZ)

Every two years we are audited by IANZ to ensure that we are following regulations set in place to ensure we have suitable knowledge and processes in place to carry out our role as a Building Control Authority (BCA) within our district ensuring safe and compliant buildings.

In August this year we will have our auditors once again reviewing everything we do and we ask that you facilitate us through this process by ensuring you have your stamped plans on site as required for inspections and welcoming them on your building site with recognition of your construction safety procedures.

Accreditation for BCA's is a requirement of the New Zealand Building Act 2004 and if not achieved we would be no longer able to carry out the services we currently provide which could result in the outsourcing of building consents and inspections inflicting a significant amount of time added to current timeframes.

Wishing you all the best for the rest of 2021

FROM YOUR SWDC BUILDING TEAM