



South
Waikato
District
Council

ON THE LEVEL

December 2020

Kia ora! Greetings!

2020 SUMMARY

This year has definitely brought its fair share of challenges within the building industry due to the Covid-19 lockdown restrictions. But it is encouraging to see we have received a similar number of building consent applications compared to 2019, with more commercial applications resulting in some growth in the South Waikato district.

It is with regret that Malcolm Neil left our team at the end of November. We wish him well on his future endeavours.



CHRISTMAS HOLIDAYS

This year the Building Department will close at 3pm on Thursday 24 December 2020 and will re-open again on Tuesday 5 January 2021.

During this period, you will be able to lodge applications but they will not be reviewed until our return in the New Year. Just a reminder that the period between 20 December and 10 January each year is classified as non-working days with regards to the statutory clock.

SWIMMING POOLS

With the weather starting to warm up a bit you might be thinking about getting yourself a new swimming pool which is awesome, but it's worth reminding you that you will need to keep safety in mind if your pool has the capacity to hold a depth of 400mm or more of water.

If so, it must have compliant barriers installed through a building consent process. This ensures that not only your family are safe but any unfamiliar children in the neighbourhood who may spot your pool and decide to come for a closer look out of curiosity.

Temporary pools that sit above ground with smooth vertical walls that are 1,200mm or higher with no permanent steps or objects that would enable a small child to climb into the pool do not require a barrier.

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Exemptions



**All building
enquiries:**

P: (07) 985 3894

**For building
inspections:**

P: (07) 985 3209

EXEMPTIONS

As you may be aware there have been a raft of new exemptions added to the exemption document (Schedule 1) and below is some guidance around this work and the options available to you.

What is Schedule 1 of the Building Act 2004?

Schedule 1 is a list of building work that does not require a building consent. If the work does not need a building consent the owner still has responsibilities under the Act to make sure work complies with the Building Code.

Schedule 1 also contains a provision (exemption 2), which provides an applicant with an opportunity to seek an exemption when a building consent might otherwise be required. Applicants must apply to Council through the online building consent system and seek approval for this exemption.

The Ministry of Business Innovation & Employment has produced a guide to building work that does not require a building consent.

<http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM5767750.html>

As a building owner, what are my responsibilities?

Building owners are responsible for:

- Determining whether proposed building work is exempt from requiring a building consent
- Ensuring exempt building work complies with the Building Code; and
- Ensuring the work does not breach any other Act.

Although work may be exempt, Section 17 of the Building Act 2004 states that all building work must comply with the Building Code to the extent required by the Act whether or not a building consent is required in respect of that building work. To ensure that building work complies with the building code owners should seek professional advice from an independently qualified person (ie, builder or architect).

Further, Section 42A(2)(c) of the Act requires that the building work does not breach any other enactment (ie, District Plan rules)

This section of the Act means that if the building work is likely to breach any other enactment then the

work is no longer exempt from the need to obtain a building consent. However, if approval under the other legislation is obtained, the work reverts to being exempt building work.

As an example, a resource consent is required because the work does not comply with the district plan, applicant obtains resource consent, work is still exempt from the need to obtain building consent, so long as the proposed building work is within the scope of schedule 1.

Council also strongly recommends that all building owners check with both the Planning and Assets departments before undertaking any building work to ensure a resource consent is not required and that you are not building over Council services, potentially inflicting further costs to yourself for the remedial work of any damages on these services.

Resource consents may be necessary for a number of different reasons including but not limited to:

- Zoning
- Site coverage
- Height in relation to boundary

What if I don't know if the building work is exempt?

You should always check with a building professional and seek their advice before deciding whether building work is exempt. The Building Act is quite clear that it is the owner's responsibility to ensure that they obtain a building consent when one is required.

What if the building work is exempt and I want to place a record on file?

When it comes to selling a property, all sorts of issues arise when records Council has do not reflect what has been built on site. For this reason, Council is prepared to accept records from owners relating to exempt building work and place a copy of this information on the property file. Please use the *Notification of Exempt Building Work Form* when notifying Council and requesting that a record of exempt building work is placed on your property file.

<https://www.southwaikato.govt.nz/our-services/building/building-forms>

For record keeping purposes, the notification must be accompanied by drawings depicting what an applicant has built or renovated. This helps to ensure that property records are up to date and identifies all work undertaken on site.

There is a small administrative charge for placing this information on file. This charge covers the cost of storing this information on file for the life of the building. Owners should be aware that Council does not take any responsibility for checking that the information provided about exempt building work is in accordance with the requirements of the Building Code. Council will not carry out any inspection(s) on this work. Council will provide a copy of the *Notification of Exempt Building Work Form*, which is date stamped and signed by Council as acknowledgement that the notification has been received.

Although Council has no specific requirements in regard to the quality of information supplied it must be suitable for scanning and accurately portray the work to be of any value for record-keeping purposes. Please do not use previously stamped plans, as the plans need to depict the work, which is the subject of the notification.

Can I apply for a building consent even if the work is exempt?

Yes, even if building work is exempt you may still wish to obtain a building consent. The value and description of work relating to building consents are sent to Council's Rates department may add this improvement to your property through a re-valuation. Although property values can affect the cost of rates you pay, they also provide a record of work that has gone on at your property and subsequently record increased values in the property.

Can I apply for an exemption when a building consent is required?

Yes, exemption 2 of Schedule 1 of the Building Act makes provision for a person to seek an exemption

even if a building consent is required. If applying for an exemption please register as a user on our online Building Consents system AlphaOne, this will enable you to apply for an exemption of building work under exemption 2.

<https://consents-southwaikato.abcs.co.nz/>

Exemption 2 gives Council the discretion to waive the requirement for a building consent. Council will consider each application on a case by case basis. Before approving such applications, Council needs to be satisfied that:

- The building work will be carried out in accordance with the Building Code, or
- If carried out, other than in accordance with the Building Code, is unlikely to endanger people or any building, whether on the same land or any other property.

If applying for an exemption, applicants still need to provide the same level of detail as if they were applying for a building consent to enable a full assessment and subsequent decision to be made. There is a small charge payable for this assessment.

Does exempt building work have to be undertaken by a Licensed Building Practitioner?

Not all exemptions are required to be carried out or supervised by a licensed professional whether that be a licensed building practitioner or an engineer; however, the building work must be carried out in accordance with the Building Code and each exemption has their own specific limitations that may include this requirement or some level of supervision. Further, regardless of whether a building consent is required, the building work must comply with other relevant legislation, including the:

- Plumbers, Gasfitters, and Drainlayers Act 2006,
- Electricity Act 1992,
- Resource Management Act 1991, and
- Fire Service Act 1975.



**BEST WISHES FOR CHRISTMAS AND THE NEW YEAR
FROM YOUR SWDC BUILDING TEAM**