Department of
Building and Housing
Te Tari Kaupapa Whare

ARCHITECTS | DESIGNERS | ENGINEERS

What Restricted Building Work means for your business.

Contents

If you design residential buildings, this booklet is for you – it tells you about Restricted Building Work (RBW) and how it will affect you and your business.

1 WHAT

If you are designing primary structure, weathertight elements, or fire safety systems on residential buildings, the work may be "Restricted Building Work" (RBW). When we talk about designing RBW we mean creating drawings, plans, specifications and other similar documents involved in building houses and small-to-medium-sized apartments.

2 WHO

Design RBW can only be done by (or be done under the supervision of) a Licensed Building Practitioner (LBP) who is licensed in the design class. If you are a Registered Architect or Chartered Professional Engineer then you are treated as licensed as a LBP licensed in the design class. This means that you can design or supervise the design of RBW.

3 WHEN

From 1 March 2012 some building design work will be classified as being RBW. From this date you must be a LBP to do or supervise RBW.

Transition to RBW

- RBW only relates to building consent applications made on or after 1 March 2012.
- If a building consent application is made, accepted by the council, and submitted for processing before 1 March 2012 then the design and subsequent construction work is not RBW.

Restricted building work for designers

RBW is design work which is critical to the integrity of a building, which, in particular, makes sure the building is structurally sound and weathertight.

RBW is important to do and must only be done by an LBP who is competent and qualified to do the job.

Design RBW is:

- the design of the primary structure of houses and small-to-medium-sized apartments
- the design of external moisture management systems of houses and small-to-medium-sized apartment buildings
- the design of fire safety systems in small-to-medium-sized apartment buildings

If you are licensed and doing RBW you will still have to comply with the requirements of the Building Code and apply for a building consent, as you do now. From 1 March 2012, you will also have to certify the RBW you design complies with the Building Code.

Design of the primary structure

The primary structural system of the building is all the structural elements of the building intended to contribute to resisting vertical and horizontal loads.

Primary structure includes	Examples (including but not limited to)
Foundations and subfloor framing	Slab on ground, piles (including braces), foundation walls, strips, rafts, pads, jack studs, bearers, stringers
Floors	Slabs, joists, trusses
Walls	Studs, lintels, panels (e.g interior lining), solid construction, piers
Roofs	Rafters, purlins, trusses
Columns and beams	Columns, posts, pillars, beams
Bracing	Cross bracing, sheet bracing, shear walls, diaphragms

Example extract from Memorandum (Certificate of Design Work):

IDENTIFICATION OF DESIGN WORK THAT IS RESTRICTED BUILDING WORK

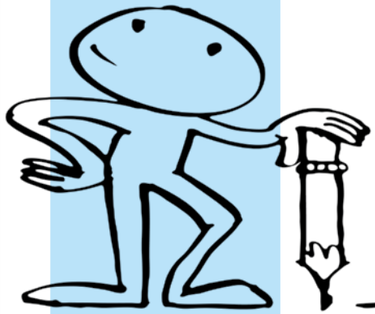
I _____ carried out/supervised the following design work that is restricted building work:

PRIMARY STRUCTURE

Design work that is restricted building work	Description of restricted building work	Carried out or supervised	Reference to plans and specifications
Tick ✓	If appropriate, provide details of the restricted building work	Tick ✓ whether you carried out this design work or supervised someone else carrying out this design work	If appropriate, specify references
Foundations and subfloor framing ☑	Concrete slab on ground, Pile foundation, and Sub floor framing	☑ Carried out ○ Supervised	Foundation plan (Sheet A04)
Walls ☑	External timber walls and block wall between adjacent apartment	☑ Carried out ○ Supervised	Notes 10 and 15 (Sheet A21)
Roof ☑	Truss layout	☑ Carried out ○ Supervised	Notes 17 and 18 (Sheet A22)
Columns and beams ☑	Covered foyer entrance - column beam structure	☑ Carried out ○ Supervised	Sheet A23
Bracing ☑	Sheet bracing	☑ Carried out ○ Supervised	Bracing Schedule
Other ○	N/A	○ Carried out ○ Supervised	

Memorandum from licensed building practitioner: Certificate of design work – 2011 2

The more information you can provide, the less likely the council will have to refer back for more detail.



Design of external moisture management systems

Comprises the building elements and systems which prevent the ingress of external moisture and help control moisture within the building fabric.

Examples of external moisture management systems	Areas where these may be found
Damp-proofing	floors in direct contact with ground moisture sub-floor/suspended floors and solid walls exposed to moisture in the air and including damp-proofing protection
Roof/wall cladding and roof/wall cladding systems (Attached to the outside of framed or solid walls or roofs)	building wrap drained cavities cladding fixings windows, doors and skylights ventilators openings and penetrations flashings and seals joints and junctions surface treatments (eg. waterproof coating) water-proofing (water-proof coatings)
Water-proofing	water proof coating to solid walls and roofs exposed to airborne moisture waterproof membranes to deck/balcony areas

Example extract from Memorandum (Certificate of Design Work):

EXTERNAL MOISTURE MANAGEMENT SYSTEMS

Design work that is restricted building work	Description of restricted building work	Carried out or supervised	Reference to plans and specifications
Tick ✓	If appropriate, provide details of the restricted building work	Tick ✓ whether you carried out this design work or supervised someone else carrying out this design work	If appropriate, specify references
Damp proofing ✓	Damp proof membrane to underside of slab	✓ Carried out ○ Supervised	Foundation plan (Sheet A04)
Roof cladding or roof cladding system ✓	Metal tile roof cladding, roof underlay, and underlay support	✓ Carried out ○ Supervised	Sheet A22
Ventilation system (for example, subfloor or cavity) ✓	Open sub-floor venting to east elevation and cavity system to timber wall	✓ Carried out ○ Supervised	Sheet A04
Wall cladding or wall cladding system ✓	Bevel back weatherboards and profiled metal sheet on a cavity	✓ Carried out ○ Supervised	Notes 15 and 17 (Sheet A21)
Waterproofing ✓	Torch on membrane to decks/balconies	✓ Carried out ○ Supervised	Note 7 (Sheet A21)
Other ○	N/A	○ Carried out ○ Supervised	

Provide detailed information to clearly identify what the work is that you are stating is compliant with the Building Code.

Design of fire safety systems

The overall Fire Safety Design for the building, including those building elements that are intended to protect people and household units adjacent to the building or other property from fire or the effects of fire.

Examples of fire safety systems	Areas where these may be found
Emergency warning systems	automatic or manual emergency warning systems
Evacuation and fire service operation systems	electromagnetic or automatic doors or windows emergency lighting systems fire service lift control escape routes final exits signs fire hose reels fire separations smoke separations refuge areas
Suppression or control systems	automatic systems for fire suppression mechanical or passive ventilation or air handling systems pressurisation systems smoke control systems dampers fire hose reels building hydrant systems fire separations smoke separations
Other parts of design	interface of systems fire systems centre emergency power supply

The design of the Fire Safety System does not include manufacturer design (eg, the design of a proprietary alarm system) or specific fire design detail (eg, work that would usually be done by a fire protection provider and would not be included in consent documentation).

Example extract from Memorandum (Certificate of Design Work):

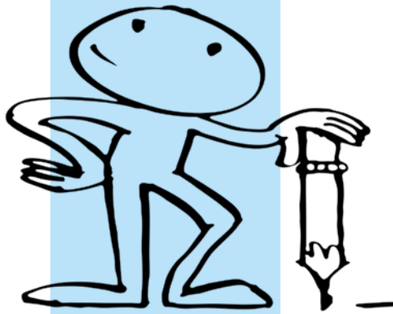
FIRE SAFETY SYSTEMS

Design work that is restricted building work	Description of restricted building work	Carried out or supervised	Reference to plans and specifications
Tick ✓ if appropriate	If appropriate, provide details of the restricted building work	Tick ✓ whether you carried out this design work or supervised someone else carrying out this design work	If appropriate, specify references
Emergency warning systems Evacuation and fire-service operation systems ✓ Suppression or control systems	Fire alarm system operated with manual call points throughout building and single point, battery operated domestic smoke alarms in each unit. Floor and walls between apartments and corridors/ stairs fire rated with a minimum rating of 45 minutes	☑ Carried out ☐ Supervised	
Other ☐	N/A	☐ Carried out ☐ Supervised	

Note: The design of fire safety systems is only restricted building work when it involves small-to-medium apartment buildings as defined by the Building (Definition of Restricted Building Work) Order 2011.

Memorandum from licensed building practitioner: Certificate of design work – 2011 4

Please type or write clearly using a black or blue pen. If there is no detail to include please write in n/a.

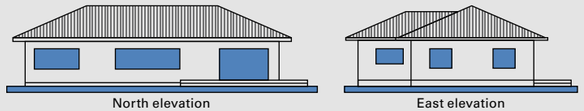


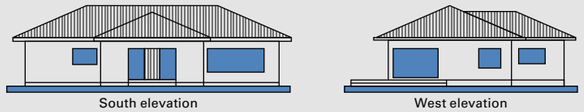
Residential: houses and small-to-medium-sized apartment buildings

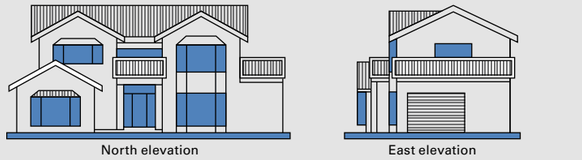
A large proportion of residential design work will include RBW. For the purpose of RBW, residential means houses and small-to-medium-sized apartment buildings.

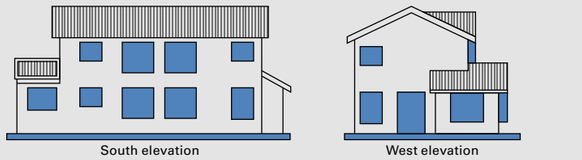
A house is:

- a free-standing, fully detached building consisting of a single residential unit (and can also have one or more residential facilities such as a foyer, laundry, garage, etc).

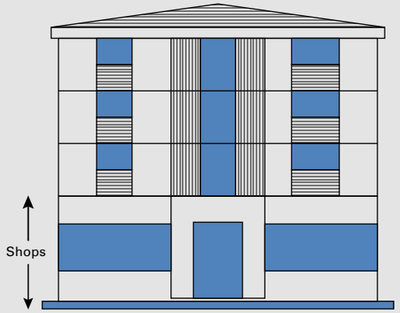


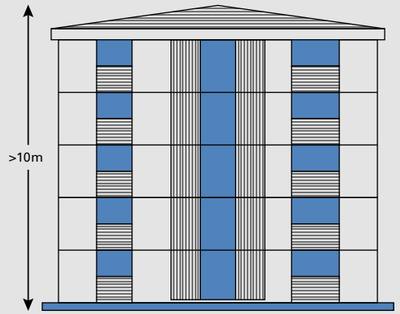






Examples of non RBW





A small-to-medium-sized apartment is a building that:

- contains two or more residential units (apartments) or residential facilities (foyer, laundry, garage, etc); and
- does not contain commercial units or facilities; and
- has a maximum height of less than 10m (the vertical distance between the highest point of its roof – excluding aerials, chimneys, flagpoles and vents – and the lowest point of the ground).

To make sure that you are meeting the requirements of RBW on your project it is best to have a pre-lodgement meeting with your council to discuss your specific details.

RBW can be new construction or alteration of an existing building.

Is it RBW?

Does the work need a building consent?

NO → For example, it is covered by Schedule 1 of the Building Act 2004

YES ↓

Does the work involve design or construction/alteration?

NO → For example, the work is demolition or removal work

YES ↓

Is the building residential?

NO → For example, it is an office building, school, prison, hospital, stadium, ancillary building or outbuilding

YES ↓

Does the work involve a house (of any height) or an apartment building less than 10 metres high?

NO → For example, it is an apartment building with more than two – three storeys

YES ↓

If an apartment, is it purely residential e.g. no shops?

NO →

YES ↓

THE WORK IS NOT RBW

NO ←

Does the work relate to design of fire safety systems for a small-to-medium-sized apartment building?

YES →

NO ↓

Does the design work relate to external moisture management?

YES →

NO ↓

Does the design work relate to primary structure?

YES →

THIS WORK IS RBW

Memorandum (Certificate of Design Work)

You must provide a Memorandum (Certificate of Design Work) to the building owner so they are able to submit an application for any building consent that includes RBW. A form for this is available on the Department of Building and Housing website, **www.dbh.govt.nz/lbp**

(This form is the memorandum outlined in Section 45 of the Building Act 2004).

This Memorandum (Certificate of Design Work) needs to be given to the local council (BCA) when applying for building consent.

As a designer of RBW you will need to include these things in the Memorandum (Certificate of Design Work):

1. what the Design RBW is, and whether you carried out or supervised this
2. that the Design RBW complies with the Building Code, or whether waivers or modifications of the Building Code are needed, and what they are
3. your LBP number – or your registration number if you are a Registered Architect or Chartered Professional Engineer.

It is important that the information you provide is complete and accurate. This Memorandum (Certificate of Design Work) will be seen by everyone involved in the building process and having the information consistent and clear will help speed up the processing and approval time.

All parts of the Design RBW have to be covered by a Memorandum (Certificate of Design Work). There will be times when more than one designer has done Design RBW. In these cases, all the designers involved need to make sure their information aligns with any others involved in the application. This is so that when the Memorandum (Certificate of Design Work) are read together it is clear to the council that all the Design RBW has been done or supervised by LBPs licensed in the Design class.

As the designer you must show on your Memorandum (Certificate of Design Work) which parts of the design work are RBW. You don't need to replicate plans and specifications on the building consent application form, but it is necessary to clearly reference your design documents.

The person applying for building consent is responsible for submitting the Memorandum (Certificate of Design Work) with their application. However, it is a disciplinary offence for a design LBP to not provide a Memorandum (Certificate of Design Work) without good reason. Your client, or the council, could report you to the Building Practitioner's Board if you fail to provide a Certificate.

Building consent applications will not be approved by the council (BCA) if the application is not complete.

Consenting process

All RBW needs a consent from your local council (BCA).

To get a building consent, the application must include a Memorandum (Certificate of Design Work) from you as a Design LBP (or from a registered architect or chartered professional engineer), which you must give to the owner to be included in their building consent application.

The RBW parts of the application that the council will check are:

- whether the design work is RBW
- if it is RBW, then seeing whether the plans and specifications were prepared by, or supervised by one or more Design LBPs
- whether RBW Memoranda (Certificates of Design Work) have been provided by all Design LBPs involved
- whether the RBW Memoranda (Certificates of Design Work) identify the RBW with reference to the included plans and specifications
- whether the application has all the names of the LBPs who will be involved in carrying out or supervising RBW (if known at this time)
- whether the RBW Memorandum (Certificate of Design Work) states that RBW complies with the Building Code
- whether waivers or modifications are required, and if so what those are
- whether the council is satisfied that the provisions of the Building Code would be met if the building work were properly completed in line with the plans and specifications provided with the application

If you need to apply for a waiver or modification to the Building Code, you can do so in the building consent application. If the waiver or modification relates to RBW, then the details of the waiver or modification you're applying for must also be on the Memorandum (Certificate of Design Work) for example: "XYZ aspect of the design does not comply with the Building Code because a waiver or modification of clause XXX of the Code has been applied for".

Supervision of Design RBW

RBW design can either be carried out or supervised by a Design LBP, Registered Architect or Chartered Professional Engineer.

Supervising RBW means you provide direction and oversight of the design work to make sure it is done properly and complies with the Building Code.

You must be a LBP in the design class (or a Registered Architect or Chartered Professional Engineer) to supervise Design RBW.

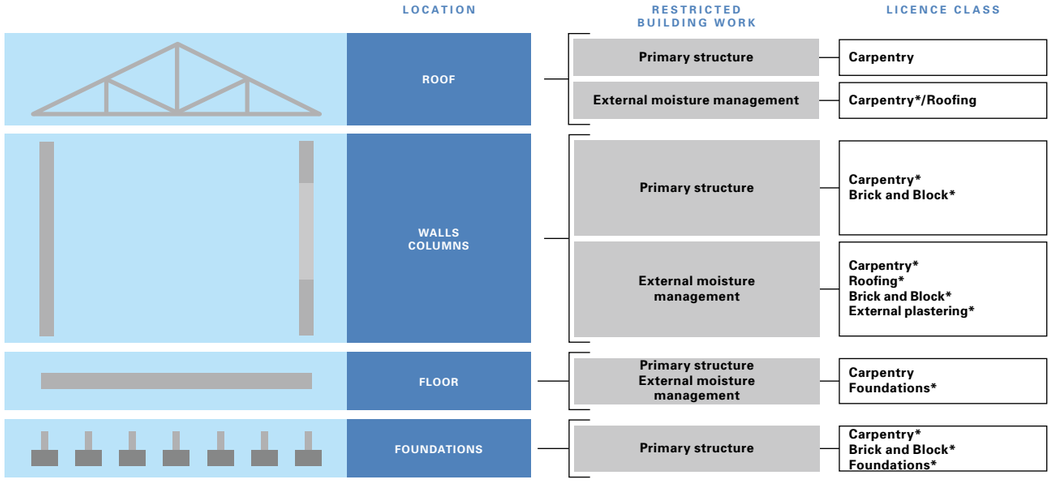
As the supervisor you will need to sign a form stating you supervised RBW design and the design complies with the Building Code.

Note:
You can only supervise RBW if you are licensed to do so. As a designer, architect or engineer you might observe construction on-site, and check that the work is being done in accordance with the building contract but if you are not licensed to do that type of physical construction or alteration RBW, then you are not able to supervise and sign for that work.

Working within your competency

- The designer providing the Memorandum (Certificate of Design Work) must work within their individual competency (ie, their personal professional expertise).
- If you hold a Design licence under the LBP scheme, you will have either an area of practice one, two or three, depending on the type of building category on which you were assessed.
  - It is important to note, however, that if you are a design LBP, you are not limited to only designing categories of building that you were originally assessed for.
    For example, if you're a design LBP and were assessed (for licensing purposes) on category one buildings you can still submit a design as part of a building consent application on a category two or three building if that design is within your individual competency. Usually you will have received training or supervision which has allowed you to competently design more complex buildings.

The diagram below shows who can carry out the RBW once you've designed it.



**Note: This is dependant upon the specific building element used.*

- If the council is concerned about the low quality of the plans and specifications submitted by a Design LBP, then the council may decide to report it to the Building Practitioners Board. The Building Practitioners Board will determine whether the LBP has been incompetent or negligent.
- Registered Architects and Chartered Professional Engineers are both treated under the LBP scheme as if they hold a design licence with an area of practice three.
- Even if you are a Registered Architect, Chartered Professional Engineer, or Design LBP working within the scope of your licence/registration, you can still be referred to the Building Practitioners Board for being incompetent or negligent on the basis the plans and specifications are of low standard. The Building Practitioners Board may then decide to refer the matter to the appropriate professional body for further action.

We need Restricted Building Work because...

A strong and skilled building and construction sector is vital to New Zealand's economy and prosperity. We all want good quality homes and buildings – and Restricted Building Work has been put in place as one of the ways to help achieve this.

Restricted Building Work will benefit both consumers and practitioners.

- Consumers will be able to make better informed decisions, know they are getting workmanship from a person who has been independently assessed as competent and have greater confidence to invest in the building and housing market.
- Critical design and construction work will always be done or supervised by a competent person.
- Each contributor will know what they are accountable for and the right people will be held responsible for their work.

MultiProof Designs (National multiple use approvals)

- MultiProof approval states that a specific set of building plans and specifications complies with the Building Code. They are issued by the Department of Building and Housing.
- MultiProof approval can be obtained for standardised building designs which are intended to be replicated 10 or more times in a two year period.
- Councils must accept a MultiProof as evidence of Building Code compliance.
- **A building consent is still needed even with a MultiProof. The council will:**
  - approve site-specific details, including foundations (if excluded from the MultiProof) and utilities/ on-site services
  - ensure any MultiProof conditions have been met
  - undertake normal inspections during construction.
- **From 1 March 2012, an application for a MultiProof must include a Memorandum (Certificate of Design Work) which states that any RBW in the MultiProof design complies with the Building Code.**
- **From 1 March 2012, an application for a building consent using a MultiProof design will still need to have a separate Memorandum (Certificate of Design Work) included for any relevant site-specific parts of the design, and any customisations made to the MultiProof design, if restricted building work is involved.**

Offences and penalties

From 1 March 2012 you must comply with the Restricted Building Work requirements.

If you carry out or supervise RBW and you are not a LBP, it will be seen as committing an offence and you could face prosecution.

You commit an offence and could face prosecution, if you:

- hold yourself to be licensed in an area that you are not you could be liable for a court fine of up to $20,000
- fail to give evidence of being licensed if asked to do so you could be liable for a court fine of up to $5,000.

If you are a LBP you can also be referred to the Building Practitioners Board if you:

- carry out or supervise restricted building work that is outside of your licence class
- do or supervise design work negligently or incompetently
- do not, without good reason, provide a RBW Memorandum (Certificate of Design Work)
- hold yourself to be licensed in an area that you are not.

If the Board finds that you have committed a disciplinary offence, the Board may, among other things, cancel or suspend your license, order you to undertake training, order you to pay a fine of up to $10,000.

** Engineers and architects will be referred to their own professional body to action.*

Useful additional information

Design Summary

You do not have to use or provide a design summary but it is very useful and is becoming industry best practice.

As a designer, you will have to make decisions for any building project about how compliance with the Building Code will be achieved.

A design summary is a list of how the design complies with the relevant Building Code clauses.

Design summaries are really helpful in showing the council the choices that were made to gain compliance and the reasons why.

A design summary can:

- help you (during the design phase) and the council (during the building consent processing phase) by giving a checklist on Building Code compliance
- show which parts of the project relate to compliance (or to construction, or to contract)
- give references to design documents and details
- be a checklist during construction, showing where design plans will need a variation, amendment or a new building consent
- help reduce the consent processing time and avoid costly delays.

Further information on design summaries can be found on the Department's website **www.dbh.govt.nz/lbp**

Things to tell your client about RBW

- Clients will need to engage trade LBPs (carpenters, roofers, external plasterers, brick and blocklayers, foundations experts) to carry out or supervise the RBW construction.
- Clients will need to give the council the names of these trade LBPs (it would be ideal to do this at the time they apply for a building consent, but if not then definitely before RBW construction starts).
- If any trade LBP leaves and is replaced, clients will need to let the council know.
- When RBW construction is finished, the trade LBP(s) who carried out or supervised the RBW must provide the client with a Memorandum (Record of Work).
- Clients will need to provide these to the council as part of the CCC application.
- Clients need to know it is an offence to knowingly not use an LBP to carry out RBW.

For more information:

0800 242 243

www.dbh.govt.nz/lbp

New Zealand Government

Department of
Building and Housing
Te Tari Kaupapa Whare

ISBN: 978-0-478-38133-7 (PRINT) ISBN: 978-0-478-38134-4 (WEB) NOV 2011