

*Source Reference: The Business of Building Issue 1:09 ([www.thebusinessofbuilding.co.nz](http://www.thebusinessofbuilding.co.nz))*

## The 2004 Building Act

Building work in New Zealand is controlled by the Building Act 2004 and the various Building Regulations which includes the building code.

The legislation is administered nationally by the Department of Building and Housing (DBH) and on a local basis by Building Consent Authorities (BCA's) using a building consent process.

The purpose of the Act is to ensure that buildings:

- Are safe, sanitary and have suitable means of escape from fire and;
- Contribute to the physical independence and well being of people who use them
- Are designed, constructed and able to be used in ways that promote sustainable development.

The regulations prescribe the Building Code with which all building work must comply. Performance standards that must be met include building:

- Durability
- Sanitation (services and facilities)
- Energy efficiency
- Fire Safety
- Moisture control
- Access

You must have a Building Consent to carry out "building work". See building consent check list. A resource consent and other authorisations may also be required before building work can commence. One or more of each consent type may be required for the same project.

Note: Building consents authorise "building work" not land use, and resource consents authorise land use and not building work.

## What you need to do

- Ensure your building is maintained in a safe and sanitary condition
- Undertake maintenance to ensure on-going durability and performance
- Obtain a Project Information Memoranda (PIM) from Council for all building work proposals
- Obtain a building consent for all building work that is not exempted in schedule 1 before commencing work
- Ensure all building work undertaken that is exempted from the need to obtain a building consent complies with the building code
- Where required, obtain resource consent and other authorisations under Bylaws before commencing any building work
- Ensure easements and covenants on the title are complied with
- Notify Council of any proposed change in building use and not effect that change until written approval is obtained from the Council
- Apply to Council for a Code Compliance Certificate upon completion of consented building work
- Strengthen earthquake prone buildings in accordance with Council policy

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- Ensure building compliance schedule inspections, maintenance and reporting procedures (where applicable) are completed, the annual building Warrant of Fitness (not required for residential homes unless a cable car is attached to the house is serviced by one) is signed off in due time, and copies of the warrant of fitness and LBP reports provided to Council with the prescribed fee.

## **The Council's Role Under the Act**

Council is both a Building Consent Authority (BCA) and a Territorial Authority (TA) under the Building Act (although some councils may choose to transfer their BCA functions and /or not qualify as an accredited BCA). Its function is to:

- Administer the Building Act 2004 in its territorial Consents
- Enforce the Building Code
- Receive and consider applications for Building Consents
- Approve or refuse building consent applications within the prescribed time limits
- Issue Project Information Memoranda (PIM)
- Issue Code Compliance Certificates
- Receive and consider applications for Certificates of Acceptance (COA)
- Receive and consider applications for Certificates for Public Use (CPU)
- Issue notices to Fix
- Issue Compliance Schedules
- Record building Warrants of Fitness details
- Determine whether applications for waiver or modification of the building code, or documents for use in establishing compliance with the provisions of the building code should be granted or refused
- Maintain a building records system available for public access for the life of the building to which it relates

## **What is a Building?**

A building is any temporary or permanent movable or immovable structure and its service connections. It includes temporary structures such as marquees. Please note this list is not exhaustive and you should check with your BCA prior to commencing work.