



Building Compliance Information Booklet (BCIB)

February 2024





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Who's who in building

What is a BCA (Building Consent Authority)?

Building consent authorities are officials who enforce New Zealand's regulatory building control system. The New Zealand Building Act 2004 sets out a registration and accreditation scheme and technical reviews for BCAs. Southland District Council is an accredited BCA.

BCAs perform the following functions:

- issue building consents (except consents subject to a waiver or modification)
- inspect building work for which it has granted a building consent
- issue notices to fix
- issue code compliance certificates
- issue compliance schedules
- when issuing building consents, a BCA must provide to the New Zealand Fire Service Commission a copy of every application for a building consent of a kind specified by a Gazette notice.

What is a TA (Territorial Authority)?

A territorial authority must perform the functions of a BCA for its own city or district. A territorial authority is responsible for any coastal marine area adjacent to its district that is not within the district of another territorial authority. A territorial authority must perform the functions of a BCA within this area.

In addition to these responsibilities, a territorial authority performs the following functions (including any functions that are incidental and related to, or consequential upon these).

A territorial authority issues:

- project information memoranda (PIM)
- building consents where the consent is subject to a waiver or modification of the Building Code
- certificates of acceptance (COA)
- certificates for public use (CPU)
- compliance schedules (and amends compliance schedules).

A territorial authority also:

- follows up and resolves notices to fix
- administers annual building warrants of fitness (BWOFF)
- enforces the provisions relating to annual building warrants of fitness
- enforces provisions relating to residential pool safety
- decides the extent to which buildings must comply with the Building Code when they are altered, the use is changed, or their specified intended life changes
- performs functions relating to dangerous or insanitary buildings
- performs functions relating to earthquake-prone buildings
- performs building safety evaluations following an earthquake or other emergency
- determines whether building work is exempt under Schedule 1 from requiring a building consent
- carries out any other functions and duties specified in the Building Act 2004.

Who is the Ministry of Business, Innovation and Employment (MBIE)?

MBIE is the government agency responsible for regulating the building industry.

[MBIE Building Performance](#)

Who is the Building Research Association of New Zealand (BRANZ)?

BRANZ Limited is an independent research, testing, and information resource for the building and construction industry. Further information can be found at: <https://www.branz.co.nz/>

What is a Licensed Building Practitioner (LBP)?

An LBP is registered and required to keep their skills and knowledge up to date. Each LBP has a license for the type of work they undertake. The LBP license classes are as follows:

- Design
- Carpentry
- Roofing
- Brick and blocklaying
- External plastering
- Foundations
- Site.

The LBP will need to complete or supervise the completion of the relevant part of your building consent application.

The LBP will also be required to provide a Certificate of Design Work or Record of Building Work. If you need to know whether you require an LBP click on the following link: [LBP Guidance](#).

Are you an Owner-Builder?

An exemption may be given if you are an owner-builder completing work on your own home or holiday home. You will still have to meet the requirements of the building code and obtain any necessary consents before starting work. For further information click on the following link: [owner-builder information](#).

Before you start

Where to start when you want to build or renovate

Building and/or renovating your home is an exciting journey. Understanding the building process is key for it to be as stress free as possible. It is also important to understand your rights and obligations when undertaking building work.

[Homeowners rights and obligations](#)

MBIE provides some fantastic resources for you to look over and understand before starting your journey. The following link will take you through a simple flow chart to outline your first steps.

[Building process](#)

Advice before you start

SDC offer a free 30-minute consultation to talk through your concept and give advice on the best way to proceed. Before you book your consultation please read through the [MBIE guidance on Planning a Successful Build](#) and this booklet. You can book this via our website by following the link below or phoning us on 0800 732 732.

[Book a free 30 min consultation](#)

What is a building consent?

A building consent is the formal approval issued by a building consent authority (BCA) stating that certain works, if properly constructed in accordance with the plans and specifications, will comply with the New Zealand Building Act, the Building Code and all other applicable regulations under the Building Act specific to buildings.

You **cannot** undertake any building work which requires a building consent or any other type of consent without this approval. Most building work requires a consent but some minor work is exempt under Schedule 1 of the Act.

[Exemption guidance for Schedule 1 of the Building Act 2004.](#)

You can also use this handy tool to help determine whether you need a building consent.

[Can I build It?](#)

How long does it take to get a building consent?

From the point your council receives your complete application, it has 20 working days to process your application (as set out in the Building Act). How long it actually takes within that 20 days can vary and might depend on:

- whether you make a good application (easily understood and accurate)
- the complexity of your project.

The complexity of your project and whether or not you have provided full and complete, correct and site-specific information will influence the overall processing timeframe. If information is found to be lacking, the time clock is suspended and not restarted until all the requested information is provided. A building consent application may be refused if we do not receive information within a timely manner or if the application is of poor quality. MBIE gives some [guidance](#) on helping to provide a good quality application. Building consents will be granted within the statutory timeframe of 20 working days.

Your building consent application may require checking by several departments.

You are able to track the status of a building consent through the ObjectiveBuild electronic lodgement portal. We strongly suggest that you accept the collaboration invite from your agent (received via email) on ObjectiveBuild to make this easier.

Useful Links:

[Building Consent Guidance](#)

[Visual Step by Step Building Consent Process](#)

Consider requesting a Project Information Memorandum (PIM)

Must I apply for a PIM?

While we do recommend obtaining a PIM prior to applying for a building consent, they are voluntary. They can be applied for separately or in combination with your building consent.

A PIM will only give you information that Council holds on the property.

A (PIM) is a memorandum issued by Council which sets out information relevant to your building work.

This is information on special land features and may include some of the following information:

- erosion
- avulsion (removal of land by water action)
- falling debris
- subsidence
- slippage
- alluvium (the deposit of silt from flooding)
- the presence of hazardous contaminants which are known to Council which are likely to be relevant to the design, construction or alteration of your proposed building
- details of stormwater or wastewater utility systems which relate to your proposed building work, or are adjacent to your building site.

A PIM will also identify any additional approvals required such as:

- Resource Management Act
- Heritage New Zealand (heritage buildings/sites)
- Fire and Emergency New Zealand (FENZ)

The PIM also includes

Confirmation, subject to other provisions of the Building Act 2004 that you may carry out the building work subject to:

- the requirements of the building consent
- all other necessary authorisations being obtained.

Copies of other information that may have some design impact on your proposed building work like:

- drainage plans
- water supply plans
- other utility plans
- any other information that Council holds that is relevant to your project.

NB: A PIM does **not** give any form of approval under the District Plan or Building Act 2004. Contact Southland District Council's Planning Department, or your own planning advisor to determine that your proposal complies with the District Plan. If it does not, and Resource Consent is required, you are strongly advised to obtain this before seeking building consent to avoid possible expensive changes to your proposal.

How to apply for a PIM

A PIM can be applied for through the [ObjectiveBuild](#) electronic lodgement portal. If you are unable to submit your application electronically, please contact Council to discuss lodgement options. Please note that there is a charge for a PIM. Please see [Schedule of Fees and Charges](#).

Documentation required

All applications must be accompanied by a

- scope of works
- site plan
- floor plan
- building elevations
- site access
- drainage plan

How long does it take?

Council is required to issue the PIM in 20 working days of the application being received.

NB: If the PIM is applied for with the building consent, the timeframe for issue of both is 20 working days.

Do you need a consent?

The following list is a summary of building work that will need a building consent, but you should always check with Council to confirm.

- structural building - including additions, alterations, re-piling and some demolitions
- plumbing and drainage where an additional sanitary fixture is created (some repair and maintenance may be exempt)
- relocating a building
- installing a woodburner or air-conditioning system
- retaining walls higher than 1.5 metres (3.0 metres in rural area if designed by a chartered professional engineer)
- fences or walls higher than 2.5 metres, and all swimming pools and their associated fences
- decks, platforms or bridges more than 1.5 metres above ground level
- sheds greater than 30 square metres in floor area (sheds between 10 and 30 square metres will still need the help of an LBP or engineer or must use lightweight material in accordance with Acceptable Solution (B1/AS1))
- some earthworks

Council will also advise if you need a resource consent or any other legislative requirements that need to be considered such as bylaws.

MBIE has good guidance on this subject under: [Check if you need consents](#), including information on failing to have a consent when one is required.

If you have completed work under Schedule 1 it is good practice to inform Council of the work completed in order to keep your property file up to date.

Altering an existing building

When thinking about altering an existing building, there are a number of requirements you need to know about.

All building consent applications for alterations to existing buildings are subject to [Section 112](#) of the Building Act 2004.

Section 112 requires that an alteration must not cause a compliant building to become non-compliant, or a non-compliant building to comply to a lesser degree. Please refer to section 112(1)(b).

It also ensures that existing buildings have good standards of fire safety and access for people with disabilities. It does this by requiring that existing buildings comply as nearly as is reasonably practicable with means of escape from fire and access and facilities for persons with disabilities (if this is a requirement in terms of [Section 118](#)). Please refer to section 112(1)(a).

Section 112 (2) provides an alternative compliance path. This can be used when the proposed building work provides improvements to means of escape from fire, or access and facilities for persons with disabilities and those improvements outweigh the detriment of the building not complying with the relevant provisions of the building code.

In the case of alterations to domestic dwellings, compliance with section 112 is typically very simple. Designers are tasked with ensuring that alterations do not cause a compliant building to become non-compliant, or a non-compliant building to comply to a lesser degree under section 112(1)(b).

Domestic dwellings are not required to provide access and facilities for persons with disabilities. To comply as nearly as is reasonably practicable with means of escape from fire, many dwellings will only need to ensure they have compliant smoke alarms installed.

For many other types of buildings, such as commercial buildings, apartment buildings and public buildings, complying with section 112 requires a high level of understanding. When preparing building consent documentation, it is up to the owner or their agent, to prepare a case to demonstrate that they comply with section 112.

Our role is to consider the case and determine whether the required level of compliance has been met.

We need to keep in mind that section 112 focuses on the existing building. All alterations to existing buildings also involve new building work. New building work must fully comply as required by section 17 of the Building Act 2004.

We can highlight this principle by considering a case where an owner replaces a window in an existing non-compliant boundary fire wall. Even though the wall may provide little or no fire resistance, the new window is considered to be new building work and must be fully compliant and provide the required fire rating.

MBIE provides some great guidance in [altering an existing building](#).

What is a Resource Consent and do I need one?

Depending on the nature of your project, it could impact on the environment or affect other people which means you might need to apply for a resource consent as well as a building consent. Your build may also have requirements under the Resource Management Act 1991. Our Council planner will look over your plans, if required, and will check these against any district or regional plans that may require you to obtain a resource consent or other permits.

If a resource consent is required, a certificate issued under section 37 of the Building Act 2004 is attached to your project information memorandum (PIM) or building consent. A section 37 certificate precludes any work commencing until the resource consent has been granted. We strongly advise you obtain resource consent advice **before** seeking a building consent to avoid expensive changes to your proposal.

If you are unsure if your proposal requires a resource consent, you can discuss the details with the Resource Planning Department on 0800 732 732.

[Resource Consent Information](#)

[Understand your land so you design well](#)

Building on land subject to natural hazards

You need to consider how natural hazards may affect your building and any implications it will have on your insurance. You should therefore identify known natural hazards on the site or location plan and seek advice about these from [Environment Southland](#) prior to applying for your building consent.

Where Council identifies that the land on which the work is proposed is subject to natural hazards, Council will consider if the work is major or minor and what affect the work will have on the hazard. Depending on the circumstances, the consent could be refused or granted subject to building modification (e.g. floor height) and/or subject to a condition that a natural hazard notification is placed on the title (this will incur additional fees) or no additional action could be necessary.

Natural hazard means any of the following:

- erosion (including coastal erosion, bank erosion, and sheet erosion)
- falling debris (including soil, rock, snow, and ice)
- subsidence
- inundation (including flooding, overland flow, storm surge, tidal effects, and ponding)
- slippage.

Liquefaction prone land

Changes to the New Zealand Building Code (NZBC) for dealing with liquefaction-prone land come into effect 29 November 2021.

The following information details the requirements to have specifically designed foundations for buildings on ground identified as liquefaction-prone ground after this date.

If you have any questions about the information on this page please talk to a building professional (e.g. architect or structural engineer) or contact Building Services on 0800 732 732 or email building-cs@southlanddc.govt.nz.

Background

Liquefaction is a natural process where earthquake shaking increases the water pressure in the ground in some types of soil, leading to temporary loss of soil strength. It can cause significant damage to land, buildings, infrastructure and the environment, as well as economic and social disruption.

The NZBC definition of ‘good ground’ as defined by [New Zealand Standard NZS3604:2011](#) has now been amended to exclude ‘liquefaction’. The rationale for the change is to support safer and more resilient housing foundations for buildings on liquefaction-prone land.

This change has been made as a result of the experience of the Canterbury earthquakes, which generated widespread liquefaction, and subsequent recommendations made by the Royal Commission of Inquiry.

Liquefaction risk factors

The three key factors which influence whether liquefaction occurs and how severe the ground damage will be are:

- soil condition (material type and density),
- groundwater depth, and
- earthquake shaking (duration and intensity).

MBIE guidance on liquefaction can be found on the following links:

[Building on ground with liquefaction potential](#)

[Identification, assessment and mitigation of liquefaction hazards](#)

An application for a LIM would be advantageous to ascertain what information Council hold regarding liquefaction on your property.

Council will discuss with you any refusal or notification process relating to your consent.

How much will my building consent cost?

This depends on the type of application, cost of your project work and the level of detail provided.

Southland District Council has a [Schedule of Fees](#) that details the costs associated with each application type. There may also be other associated charges that will be included in the total fees such as:

- levies payable to the Ministry of Business Innovation and Employment (MBIE)
- levies payable to BRANZ accreditation levy payable to SDC
- For staged building consents, the levies considered the estimated cost of all preceding stages
- additional time spent processing the application
- additional inspections required
- issue of compliance schedule (if applicable);
- vehicle crossing
- water meter connection (if applicable)
- other territorial authority related costs e.g. resource consent (if applicable)
- rapid number, if applicable
- CCC application fee.

Fees and levies for consents, additional inspections and Code Compliance Certificates will all be calculated as they are processed and all fees owing will be invoiced. Invoices are payable via Southland District Council's website, internet banking or at the reception desk of any Southland District Council office. A [schedule of fees](#) is available from Council's website or collected from Council's main office in Invercargill or any of Council's area offices. Fees can be paid at the office, by internet banking or via the website.

The BCA may charge additional fees for processing time where a large amount of time has had to be spent processing the consent or for additional inspections.

Please note that any fees or charges outstanding at the time of applying for Code Compliance Certificate may prevent it from being issued.

What is restricted building work (RBW)?

This is work that is critical to ensuring your home is structurally sound, weathertight and covers some types of fire safety design. Only Licensed Building Practitioners (LBPs) can design and complete this work.

You can find further information on what restricted building work is in the links below:

[Restricted building work information](#)

[Carrying out restricted building work](#)

What is the accreditation levy?

The accreditation levy is a levy available to BCAs to cover the cost of their statutory biennial accreditation of the BCA.

What are development contributions?

Council provide infrastructure like water, wastewater, roading, etc, to service existing residents and businesses, and also to accommodate future growth.

Whilst the BCA does not charge for Development Contributions directly under the building consent due to providing these services, Southland District Council considers it may be appropriate that where new subdivisions and developments benefit from using existing infrastructure provided by the community, or where those developments require infrastructure extensions, the cost of that infrastructure should be met by those who create the demand.

For further information regarding development contributions refer to Section 2.14 of the [District Plan](#), or alternatively contact the Resource Planning Department of Council.

Applying for your consent

Are you ready to apply for your building consent?

It is important that the application is good quality so that we can process this as quickly as possible to avoid any delays to the building work starting. MBIE provide some good guidance for you at this link [Applying for a building consent](#).

You will also need to provide information relevant to your building project. Our checklists are available to outline the information we will look for when we review your application. It will assist you to consider these prior to making your application. These forms and checklists can be found on our website:

[Forms, Guides and Checksheets](#)

Staged building consents

An owner/agent may make a series of building consent applications for stages of the proposed building work. This may be useful where the scope of each part of the work can be clearly defined.

Applications that might be staged are:

- large multi-storey buildings
- multi-unit apartments or development blocks
- shopping malls
- site works, foundations and drainage, with the balance of work completed under a separate stage (this might occur where it is desirable to start the project early but where plans and calculations have not been completed for the balance of the work).

Staged consents may also be useful where more than one household unit is being built specifically for sale, and the units are not connected. A household unit being built specifically for sale cannot normally be transferred without a Code Compliance Certificate (CCC). However, the owner or builder can stage the consents so that a CCC can be obtained for each unit.

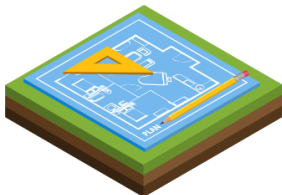
How do I lodge a Building Consent application?

Once you have gathered all the necessary information, you can lodge the application through [ObjectiveBuild](#). If you need help with this or are unable to lodge electronically, please contact us on 0800 732 732.

ObjectiveBuild is an easy to use system used by multiple councils throughout New Zealand. If you are using ObjectiveBuild for the first time you will need to create an account.

Got everything you need?

Sign in to see all the files, documents and information you will need for each step.



ObjectiveBuild is designed to make the consent application process easier and more transparent for all involved but building consent applications can be confusing, especially if you are not a professional.

So, if you get stuck using ObjectiveBuild and want some help, please get in touch with them directly on 0800 024 508.

If you are stuck with what types of information you require then you can email us at Building-CS@southlanddc.govt.nz or give us a ring on 0800 732 732 and ask for somebody in the building team.

Using ObjectiveBuild is a straight forward step by step process to complete building consent application forms online. You will be able to attach plans and other electronic documentation that accompany your application with your submission and see in real time where your application is up to.

Applying for installation of a woodburners or multiburner

You must supply the make, model and year of manufacture of the appliance on your building consent application. Some information you need to supply includes, but is not limited to, specifications, the manufacturer's installation instructions, details on the flue system and flashings, and a complete floor plan of the building, indicating where the appliance is to be fitted and showing the location of the emergency warning devices (smoke alarms).

You will need to show evidence that the fireplace complies with [Environment Southland's Regional Air Plan 2016](#). This application can also be made on the [ObjectiveBuild](#) portal using the Solid Fuel Burner Form 2.

What types of information will I need to supply?

Building consent applications can be complex. We recommend you engage a professional person to help with the design work and drawings. Each application must be accompanied by the information requirements identified in the checklists. [Forms, Guides and Checksheets](#)

Other supporting documentation

Producer statements

These can help support your building consent application and CCC as long as they are considered accurate and reliable.

There are currently four types of producer statements, in use. They are known as:

- PS 1 – Design
- PS 2 – Design Review
- PS 3 – Construction (often used by the installers of proprietary systems)
- PS 4 – Construction Review.

We will be clear about when we would need to receive producer statements during the construction process. If you have advised Council that you will provide these with your application for building consent, then these will also need to be produced when you apply for CCC.

Producer statements from engineers

Producer statements are typically used for specialist work, such as engineering, or where there is a proprietary product which is installed by appointed contractors. Aspects of this work will be outside Council's in-house expertise and a producer statement can assist Council when they are determining whether the building work complies with the building code. Councils will use their judgement when considering producer statements and how much weight to give them.

Here are some examples of work where a producer statement might be submitted:

- an engineer may provide a statement relating to foundations
- a mechanical engineer may provide a statement relating to heating ventilation and air-conditioning systems
- a tiler may provide a statement that the waterproofing membrane has been correctly applied.

At the time of submitting the building consent application, you should be submitting relevant PS1s and PS2s.

[Producer statement information](#)

[Producer Statements](#)

Producer statements from tradesmen/qualified installers

Southland District Council uses a [Producer Statement Authority Register](#) of experts, who are not CPENg qualified engineers whose producer statements will also be accepted.

These producer statements will generally be used to cover installation of components, such as waterproofing, membranes, mechanical services and fire alarms that cannot be fully assessed during an inspection by the building control officers.

Producer statements to support Code Compliance Certificate (CCC) applications

Additional producer statements (PS3 and PS4) may be required prior to accepting an application for CCC, or issuing a CCC. Council will be very clear throughout the construction if a PS3 or PS4 will be required.

Proof of ownership

You will need to provide proof of ownership that demonstrates the current ownership of the property. This can either be:

- rates notice dated no older than 3 months for any work that does not affect the building footprint
- a signed sales and purchase agreement by both parties
- a certificate of title and deposited plan with all easement instruments shown for all new work or work affecting existing building footprint. To obtain a certificate of title you can contact LINZ on 0800 ONLINE (0800 665 463) or logging onto www.linz.govt.nz

It is the owner's responsibility to supply the information for the building consent.

New vehicle access

Any building which requires a new vehicle access must be approved. Contact Council's transport team on 0800 732 732 to discuss this. A detailed plan showing the location of the proposed access will need to be supplied with your application. There is a cost associated with this, please see [Schedule of Fees and Charges](#).

RAPID number

Each new dwelling within the rural area is required to have a number at the gate similar to street numbers in town. This is essential and particularly helpful in emergencies. As part of your building consent application, the building team will send a notice to our roading team to let them know they will need to allocate a rapid number for your new building. There is a cost associated with this, please see [Schedule of Fees and Charges](#).

How is my building consent processed?

When you have submitted your application through the [ObjectiveBuild](#) portal, we will run a document check to ensure that you have supplied all required information as well as a completed Form 2. Any

further required information will be requested via the ObjectiveBuild portal as a Submission Request for Information (SRFI). Once we are satisfied with the application it will be accepted and lodged into our Council system.

The statutory 20 working days' time clock will commence from the next working day after **all** required information is accepted.

The application may then be allocated to the various required disciplines within Council for processing; i.e. resource planning, engineering, building, water, drainage, etc. Each discipline will review your application and assess it for compliance against the requirements of the Building Code along with all relevant Act or legislative requirements.

Our technical staff will review the information to make sure that the proposed building work will meet the requirements of the Code if carried out in accordance with the information supplied. If we are missing any information or need clarification, we will request this via the ObjectiveBuild portal as a Request for Information (RFI).

The statutory 20-working day clock will be suspended from the date we issue a request for information and will remain suspended until the next working day after **all** information requested is provided in full.

Under [Section 49 of the Building Act 2004](#), we will grant your building consent once we are satisfied on reasonable grounds that the building work proposed will comply with the Code if completed in accordance with the plans and specifications that accompanied the application.

Although your building consent is granted, you may not necessarily commence work on site if a Resource Consent is required, and will or may materially affect the building work. Where a Resource Consent is required, until it has been granted, building work **may not** proceed. This is also known as a section 37 Certificate and will be attached to the consent when issued.

Granting of your building consent means that you will need to complete the work in accordance with the approved plans.

Once the building consent is granted, we will issue the building consent along with the invoice for payment. For an indication of what your building consent may cost please look here: [Schedule of Fees and Charges](#).

Any unpaid fees may affect Code Compliance Certificate (CCC) issuing.

External parties

In some cases, we may send applications externally for review, in particular for fire, onsite waste water or engineering peer review. There may be occasions where we may also send consents to external contractors for processing.

Consent applications reviewed by Fire and Emergency New Zealand Engineering Unit

Some commercial projects might need reviewing by the Fire and Emergency New Zealand – Fire Engineering Unit. They have 10 days to provide feedback. Your fire designer should tell you about this and it should be clearly identified in the consent documentation.

Further information regarding the types of applications that must be sent to FENZ can be found on the [The New Zealand Gazette website](#).

What Are MultiProof approvals?

A MultiProof is a statement issued by the Ministry of Business, Innovation and Employment (MBIE) that outlines that a set of plans and specifications for a building complies with the Building Code. The MultiProof is however limited to certain criteria and excludes site specific features of a design, these items are to be assessed by the BCA.

To be eligible for a MultiProof you must have the intention and the ability to build an approved design at least 10 times within a two-year period.

A MultiProof is not, and does not replace, a building consent. The holder of a MultiProof must obtain a building consent each time they wish to construct the design to which the MultiProof relates.

When your building consent application includes a MultiProof the BCA must grant or refuse it within 20 working days from receipt of the whole application. If your consent is ONLY for a MultiProof the BCA must grant or refuse within 10 working days from receipt of the application. However, where the BCA identifies issues with the application surrounding the criteria of the MultiProof or site-specific features the application may be subjected to a request for further information, which will place the statutory clock on hold until the information requested is provided.

The BCA confirms and establishes:

- the design, with any permitted variations, is the same as the design approved in the MultiProof
- the proposed site meets the conditions of the MultiProof
- the site-specific features of the design comply with the Building Code
- the inspections required.

Change of use, extension of life and subdivisions

Change of Use

You cannot make the proposed change until Council gives the owner written confirmation that the requirements of the Building Act 2004 have been complied with. This is typically done as part of a building consent.

Every building is designed for a specific use and has to meet Building Code requirements that ensure it will be safe, healthy and durable when used in the way it was designed. If that use changes, the building may need to be altered to support the new use.

A change of use is where a building incorporates a household unit where one did not exist before, or when use of a building or part of a building changes from one use to another as defined in the Building Regulations 2005 (Specified Systems, Change the Use and Earthquake-prone Buildings) and the new use has more onerous or additional Building Code requirements than the old use.

Once Council receives advice about a change of use, they must confirm to the owner in writing whether they are satisfied that the building (in its new use) will meet the Building Code compliance requirements.

Requirements of the Building Code

If the change of use involves incorporating one or more household units into the building where there were none before, Council must be satisfied on reasonable grounds that the building (in its new use) will comply as nearly as is reasonably practicable with the building code in all respects.

If you are changing the use of a building or part of a building you will need to supply information with your application regarding:

- means of escape from fire
- protection of other property
- sanitary facilities
- structural performance
- fire rating performance and
- access and facilities for persons with disabilities will be addressed.

For all other cases, Council must be satisfied on reasonable grounds that the building (in its new use) will:

1. comply, as nearly as is reasonably practicable, with every Building Code provision relating to either or both of:
 - a. means of escape for fire, protection of other property, sanitary facilities, structural performance and fire-rating performance
 - b. access and facilities for people with disabilities (if this is a requirement under section 118 or the Building Act 2004)
2. continue to comply with other Building Code provisions to at least the same extent as before.

The above information should be presented on the [Change of Use - Gap Analysis Form](#) as part of your building consent application.

An owner of a building must not change the use of the building in a case where the change involves the incorporation in the building of one or more household units where household units did not exist before, unless the Territorial Authority (Council) gives the owner written notice that the building, in its new use, will comply, as nearly as is reasonably practicable, with the [Building Code](#) in all respects.

In addition to the Building Code, the Territorial Authority will also need to be satisfied that the application complies with other aspects of legislation (such as the District Plan) and will advise if additional consents are needed.

If an existing building needs to be upgraded to comply with current building code requirements and there is good reasoning for the upgrade not to be undertaken, an ANARP (As Near as Reasonably Practicable) justification must be documented and provided with the building consent application.

[ANARP Assessment Information](#)

What is an extension of life of a building?

The majority of buildings have an indefinite life exceeding 50yrs. At times, due to building work, they can be assessed to have an agreed specified life of less than 50 years possibly due to durability limitations to building code compliance or on owners request to have a temporarily located building.

Where a building with a specified intended life is issued with a building consent that is subject to the condition the building be altered, demolished or removed before the end of its life, an 'extension of life' can be obtained on a request from the owner, if the Territorial Authority is satisfied on reasonable grounds the building can satisfactorily perform for a further specified time.

If your building has an agreed specified life and this date is getting close, you may be able to apply for an extension. This request must be given in writing to the council if it proposes extending the life of a building. You may need to have a condition report completed which will help justify the reasons for the extension and length of time. This ideally could be provided by a suitably competent designer or other.

For more information, please refer to publications on the MBIE website and Section 116 of the Building Act 2004.

Subdivisions

Subdivision is a process of dividing a parcel of land or a building into one or more further parcels, or changing an existing boundary location. There are different types of subdivision including the creation of fee simple, unit title, cross lease and leasehold titles which all require a subdivision consent.

It is recommended that you engage a qualified surveyor to help you complete an application for subdivision. We would also recommend that you engage with our planning team to discuss any subdivision rules under our district plan prior to commencing.

Any subdivision must:

comply, as nearly as is reasonably practicable, with every provision of the building code that relates to the following matters:

- means of escape from fire
- access and facilities for people with disabilities (if this is a requirement under section 118)
- Protection of other property; and

will,

- if it complied with the other provisions of the building code immediately before the application for a subdivision was made, continue to comply with those provisions; or
- if it did not comply with the other provisions of the building code immediately before the application for a subdivision was made, continue to comply at least to the same extent as it did then comply

For more information please see MBIE Guidance and Section 116A of the Building Act 2004.

When can you start?

Although you have received your building consent, **you must not commence work on site if a Resource Consent is required**, and will or may materially affect the building work. Where a Resource Consent is required, until it has been granted, building work may not proceed.

NB: This is also known as a section 37 Certificate and will be attached to the consent when issued, and charged for.

During the build?

Once the building consent and any other required consents or approvals have been granted, you can start building. This is a very exciting part of the journey but it is still important to make sure that the building consent conditions are followed and that the approved plans are followed.

You will have required inspections to be completed which will be outlined as part of the building consent. If any of these inspections do not pass and require re-inspection, you may be charged for additional inspections and will be required to pay for these before a CCC is issued. You may also have to supply certain documentation. All of which is outlined on your building consent.

[Build to the consent](#)

When the project is completed, it is the building owner's responsibility to get the sign off for the project by way of Code Compliance Certificate. This means it is really important that the owner checks on work as it progresses and checks in with the building professionals to ensure everything is running smoothly. Being a collaborator on the application in ObjectiveBuild helps with this. All paperwork required for CCC

is stated within the building consent or as a result of inspections undertaken if the build hasn't gone according to plan.

[Sign off and maintenance](#)

How long is my building consent valid for?

Under Building Act 2004 you will need to start building work to which the consent relates within 12 months from the date of the issue of the consent. If work has not started, the consent will automatically lapse and be of no effect. This means you will need to apply for a new consent and incur further costs if you wish to start that work.

We will contact you to remind you of this. If the project has been delayed, you may apply for an extension to this time period.

If a Code Compliance Certificate (CCC) application has not been made by the two-year anniversary of the granting of the building consent, the BCA is required to decide on whether or not to issue a CCC. If the BCA decides it cannot issue a CCC at this time the building consent will be given the status of 'Refused CCC' and the owner/applicant will be notified by a refused CCC notification letter.

Refused CCC status does not restrict you from completing the work and applying for a CCC at a later date however, please be aware that in progressing the work you will need to ensure any further inspections listed under the building consent inspection endorsements are notified to Council for it to be in a position to issue the CCC at completion.

What are building consent conditions?

Conditions are requirements imposed on your building consent under the Building Act 2004, which are deemed necessary to ensure the compliance of the proposed building.

The conditions are listed on the building consent and must be complied with. There are five specific conditions that can be applied to an issued building consent and owners and builder/developers should ensure that they understand these and their implications if:

1. the approved plans contain waivers or modifications to the building code issued by the territorial authority, section 67 of the Building Act 2004.
2. the building consent has been issued with a notification condition that the land is subject to natural hazards, see section 72 of the Building Act 2004.
3. the building consent has been issued subject to a condition to allow for building over two or more allotments, section 75 of the Building Act 2004.
4. the building consent under section 90 of the Building Act 2004, has been issued with a list of specific inspection types that will need to be conducted by a council officer or agent (typically at specific stages of construction) and may sometimes be required to be conducted by other professionals like structural engineers.

Professionals will have to provide documentation that they have conducted these inspections and they will need to be organised and paid for by the builder/developer/owner.

5. the building consent has been issued with the condition that the structure has a 'specified intended life' as determined by the owner/application, section 113 of the Building Act 2004

Where a resource consent under RMA has not yet been obtained and the Resource Consent will / may materially affect building work to which a PIM or a Building Consent relates. The Territorial Authority must issue a Certificate under section 37 of the Building Act 2004.

The granting of a consent is always conditional under section 90 of the Building Act 2004, enabling officers of the BCA to be entitled at all times, during normal working hours, or while work is being done, to inspect building work which is being carried out.

What are building consent endorsements/advice notes/reminders?

Building consent documents are often endorsed or have notes added by the consenting authority to remind the building owner about specific aspects of construction which have been previously agreed upon prior to the issuing of the application in order to demonstrate compliance. For example, a note may be added regarding specialist inspections that may be required. These endorsements will be noted on the actual consent. It is important that you read and understand all endorsements of the building consent before commencing work. If you do not understand any stated endorsement, please contact us to discuss.

What if I need to change my consent?

Changes to the building work may be required during the build and this will in turn require updates to be made to the issued building consent before the changes can be actioned. It is vitally important that any changes to the building consent are notified to Council as soon as possible to avoid any delays. There are two types of applications and which one to use will depend on how large the change is.

Minor Variation

A minor modification, is an addition, or variation to a building consent that does not deviate significantly from the plans and specifications to which the building consent relates. Sometimes this can be considered and accepted on site during an inspection and at other times an application will be required. The Building Consents Officer will guide you as to what is required.

Further information can be found here: [Minor Variation Information](#).

Amendment (Major Variation)

This is where the work is outside the scope of the original building consent (for example, additional footprint or increases in floor area, construction method, or significant changes to the layout), this would be considered a major variation. An application for an Amendment would need to be made to Council prior to changing the consented plans. Again, the Building Consents Officer will guide you as to what is required.

Further information can be found here: [Amendment Information \(Major Variation\)](#)

To make an application for a Minor Variation or an Amendment, you would log into your [ObjectiveBuild](#) account and complete the correct forms and provide any relevant documentation.

What inspections do I need?

When your application is processed, the building control officer will determine what inspections are necessary. Each inspection will be identified and attached to your building consent (Form 5). Typical inspections may include but are not limited to siting, foundations, concrete masonry, concrete floor slab,

pre-cladding, skeleton, cladding, pool fencing, fireplaces, pre-line building/plumbing, post-lining, drainage and a final.

In some cases, inspections will require two building control officers to undertake the inspection.

Non-standard inspection types will be noted on the Inspection List for your consent.

Sometimes it is necessary for specialists to conduct inspections in addition to the inspections carried out by the BCA. If a specialist inspection is necessary, you will be advised before the consent is issued. Generally, these inspections are necessary to confirm ground stability, specific design by a Registered Engineer (CPeng), for elements that cannot be inspected by the BCA or where the building work is outside the current competency of the BCA.

It is the owner's responsibility to ensure that the BCA is contacted at the appropriate times to undertake the required inspections issued with the consent.

Please ensure you read inspection requirements and are familiar with them before commencing work. If in doubt, please ask.

Missed inspections may mean that a Code Compliance Certificate (CCC) is unable to be issued. If you have missed a required inspection throughout the build, please contact us as soon as possible.

How do I book an inspection?

Building inspections are typically requested by your builder when they are ready for them and can be booked by:

- using the online booking tool ([Book an inspection online](#))
- emailing building-cs@southlanddc.govt.nz

For final inspections, a CCC Application (Form 6) will need to be submitted, vetted and accepted prior to Council contacting you to arrange a final inspection.

What happens during an inspection?

During inspections the building control officer will introduce themselves to the builder, site manager, owner or agent who is present and check that the approved building consent documentation is on site, along with the outcome of any specialist inspections that were advised on the consented documentation.

The building control officer will then check that the building has been built in compliance with the consented documents and, where a minor variation is to be approved on site, the proposed changes comply with the Building Code, as it was at the time of application for the consent was issued. They may take photographs as appropriate.

Where Specified System(s) have been included as part of the consented documents, the Building Control Officer will check that the specified system(s) (being added, amended or removed) have been installed as per the building consent.

During the inspection the building control officer will complete an electronic inspection sheet. This is the recording of the inspection findings. The building control officer will discuss their inspection results with the available onsite representative and email a copy through to the relevant contacts on the consent.

People and information needed on-site

It is recommended that the owner or an agent is available onsite for all inspections to ensure they are clear on the outcome. It is mandatory that a full set of approved set of consent documentation will be available on site during an inspection and needs to be in a format that is easy to view

NB: No approved plans and documentation onsite will mean no inspection can be undertaken which may incur fees as an additional inspection may need to be completed.

What if the inspection has not passed?

If the inspection fails, the remedial options will be recorded on an inspection site notice which is issued and sent to the relevant contacts on the building consent. Another inspection may be required to inspect any remedial work, in some cases photos may be acceptable in lieu of an inspection, and the inspector will clarify this on the inspection site notice. In some cases, work may have to stop (where work is non-compliant or unsafe), and in others some work may be allowed to continue (conditional continuation). If the work is not remedied to the satisfaction of the building control officer, it is possible that a Notice to Fix (NTF) will be issued.

Re-inspections may incur additional charges.

Site safety for inspectors

You are responsible for the safety of visitors to the work site including those undertaking building inspections. You must provide safe access to parts of the construction necessary for inspection. Ladder access must be securely founded and tied. Scaffold access and roof edge protection is generally required. BCOs cannot enter unsafe sites.

What is a Notice to Fix (NTF)?

A Notice to Fix (NTF) is a formal notice (Form 13) issued by the BCA advising that certain works have not been carried out in accordance with the building consent or the Building Code/Act. If an NTF is issued you must address the issues identified within the prescribed timeframe to prevent further action being taken. Typically, an NTF will be issued for serious or ongoing breaches. If an NTF is issued, documentation identifying and explaining the process will accompany it. We would prefer to work with you to achieve compliance. We are available for a meeting to discuss the best way to resolve an NTF if you are unsure of how to go about this.

Do I need a final inspection?

Generally, building consents require a final inspection to obtain a CCC. The purpose of the final inspection is to ensure that all work is completed to the conditions outlined by the building consent. This is requested on completion of all building work. A final inspection request is triggered by the application of a CCC. Once vetted and confirmed as a complete application the final inspection is booked.

The named contact for inspections will receive an email and/or text message to advise a date for the final inspection. The day prior to the inspection a text message is sent advising of the time the inspector will be on site.

NB: some heating unit installation inspections will contain sufficient information that Council will not need to schedule another final inspection after they receive your application for CCC. If this is the case, your CCC will simply be issued.

What happens when my build is finished?

Code Compliance Certificate

When the project is completed, a building owner must apply for a Code Compliance Certificate. This means it is really important that the owner checks on work as it progresses and checks in with the building professionals to ensure everything is running smoothly. Being a collaborator on the application in ObjectiveBuild helps with this.

Council issues Code Compliance Certificates based on the inspections undertaken during and at the end of construction. It's only issued when Council is satisfied on reasonable grounds that your building work is;

- completed
- complies with the building consent
- your final inspection has been passed
- any specified systems for the building have been verified as capable of performing to the performance standards listed on the issued building consent; and
- your Code Compliance Certificate application and required documentation eg energy works certificate, have been received and accepted.

A code compliance certificate gives you and future owners an assurance that the building work was done in accordance with the building consent, making it safe, healthy and durable. Lack of a code compliance certificate might prevent a bank from releasing a final payment or may affect insurance cover.

How do I make an application for Code Compliance Certificate (CCC)?

SDC accepts applications for CCC via the online portal [ObjectiveBuild](#). If there is an issue with lodging an application electronically, please contact us on 0800 732 732. An owner or appointed agent must apply for a CCC by submitting the Form 6 Application for Code Compliance Certificate which is found on the ObjectiveBuild portal. Once all the work described in the building consent is completed this form is to be submitted along with any subsequent approved variations that have been completed in accordance with the consented documents. Have your building consent number handy as this will help link your applications and make it easier to apply for your CCC.

The CCC application is vetted for completeness and if any documentation or information is missing you will receive a submission request for further information (SRFI) via the ObjectiveBuild portal. Once Council is satisfied we have all we need to proceed with the application, the final inspection will be booked. An email and/or text will be sent to the nominated person for inspections.

CCC processing can take up to 20 working days. We will not accept incomplete CCC applications as per section 92 of the Building Act 2004. All required documents listed within the building consent or requested from a site inspection notice must be supplied and accepted prior to issue of the CCC, if not, an RFI may be requested and the clock will be paused.

The statutory 20 working days' time clock will commence from the next working day after **all** required information is accepted. A final inspection will be completed. If the inspection is failed the statutory 20-

working day clock will be suspended from the date the inspection is failed and will remain suspended until the next working day after **all** failed items are completed in full.

Once approved, in cases where required, the BCA will issue you with a compliance schedule (stating the specified systems performance standards and inspection and maintenance regimes of the systems contained within the building and nominate the location the compliance schedule is to be kept), a Compliance Schedule Statement (to be publicly displayed within the building) and a Code Compliance Certificate (to be kept for your records).

A final invoice (for any additional hours, inspections and CCC application fee) will be sent to you and once paid, the CCC will be issued. A CCC can be withheld until any Development Contributions are paid, or any other fee for the likes of additional inspections. Invoices are payable via the Southland District Council website, internet banking or at any Southland District Council office.

Once you have received your CCC, your building work has been verified that it complies with the consent and no further inspections or approvals are required by the BCA. For further information on matters for consideration when deciding issuing of CCC please see Section 94 of the Building Act 2004.

For ongoing requirements where a Compliance Schedule is issued and your Building Warrant of Fitness (BWoF) information, see these [Compliance Schedule Information](#) and [BWoF Information](#).

How long do I have to complete my build?

From the date of the Building Consent being issued, the owner has two years to complete the build before Council is required to decide to either issue a CCC or refuse a CCC. This does not mean that you can't finish the build after this date and make an application for CCC, just that there has to be a CCC decision made under the Building Act 2004. We will send you a reminder that your two-year anniversary is coming up to check in on your progress.

Withdraw your building consent application

Prior to the Consent being granted

The applicant can request to withdraw their building consent application at any time prior to the consent being granted.

To withdraw a building consent application, the owner or agent (with the owner's approval) must make a written request to the Southland District Council or apply using the form on the website:

- By email: Building-CS@southlanddc.govt.nz

Please note, depending on how much processing work has been completed, you will be charged for costs to date.

After the Consent has been issued

Notify us in writing if you no longer wish to proceed with your building work after your building consent has been issued (and before it has reached the 12-month anniversary from issue date). Your consent will

continue to remain active until it lapses at 12 months. At this time, you will receive a letter advising that your consent has lapsed.

At the time that your notification is received you may be eligible to receive a partial refund. You will need to request this refund by emailing us at building-cs@southlanddc.govt.nz. Please include payee and bank account details in your notification as above.

Commercial and industrial properties

Is your building open to the public (Certificate for Public Use (CPU))

It is the owner's decision as to when a building can be occupied. However, if your commercial building is open to the public, whether free of charge or by payment of a charge, the building cannot be used or occupied until a Code Compliance Certificate (CCC) is issued or a Certificate for Public Use (CPU) has been applied for and granted.

A CPU should be applied for and obtained prior to allowing any area of the building to be accessible by public for which a building consent has been issued and has not yet obtained a CCC.

When the CPU is granted, it will outline the area in which the public have access to within the building or part of a building that is to be used before the CCC is issued.

Each application for a CPU will be considered on a case-by-case basis. When applying for a CPU you will be required to provide a completed CPU checklist that shows how you are complying with the building code to the extent required by the BCA.

To make an application for a CPU, you log into ObjectiveBuild and make your application online. Please use the [CPU Check Sheet](#) to see what additional documentation may be required with the application form, as this can expedite your application by having all the information available. Upload your completed check sheet to ObjectiveBuild with your application.

Please note that the issuing of a CPU does not remove the owner's responsibility to continue building works and apply for CCC as soon as possible. For this reason, a CPU will carry an expiry date and should not be planned for long term use.

What are public premises?

Any premises that are open to the public or intended for public use, whether free of charge or by payment of a charge, including but not limited to:

- shopping malls
- cinemas
- marae
- camping grounds
- garages and workshops
- funeral homes
- office and retail complexes
- rest homes, etc.

Compliance schedule?

A Compliance Schedule is a document issued by the BCA that lists the specified systems (for example, automatic fire sprinklers, fire alarms, lifts, air conditioning systems) within a building and the performance standards for those systems. The Compliance Schedule also states how the systems will be, inspected and maintained to ensure they are performing in accordance with the performance standard to make the building safe and healthy for people to enter, occupy or work.

A Compliance Schedule is required for a building that:

- is not wholly a single household unit (for example, commercial and industrial buildings but not stand-alone houses) and contains one or more specified systems (including cable cars)
- is wholly a single household unit and has a cable car attached to it or servicing it.

Building consent applications are assessed to determine whether specified systems are being added, altered or removed as part of the project. When the consent is issued, a list of all the building's specified systems and their respective performance standards are included in the consent. Compliance schedules as a result of building work are generally issued with the Code Compliance Certificate (CCC) however, if a CPU is applied for and issued, this may result in the issuing of a draft Compliance Schedule prior to obtaining CCC.

A Compliance Schedule must be kept onsite unless at another place by mutual agreement with Council. It must be made available to Building Control Officers, IQPs, and authorised agents at all times.

NB: Where a Compliance Schedule has been issued for the first time, a compliance schedule statement (Form 10) is also issued by Council. This is a temporary public notification of compliance with the compliance schedule requirements and is replaced after 12 months by the Building Warrant of Fitness.

What is a compliance schedule statement?

A Compliance Schedule Statement is issued by the TA and serves as temporary notification of compliance schedule matters. It lists the specified systems and advises where the compliance schedule is kept. A Compliance Schedule Statement must be displayed in an area where it can be seen by all building users. It is issued at the same time as the Code Compliance Certificate (CCC). It must be replaced every 12 months with a Building Warrant of Fitness (BWof), which is issued by the building owner.

Does my building require a compliance schedule?

Under the Building Act 2004, all buildings (other than single residential buildings, unless they have a cable car) require a compliance schedule and an annual Building Warrant of Fitness (BWof) if they contain specified systems.

Specified systems are crucial to the health and safety of a building and those who use it. As a building owner it is your responsibility to ensure the systems are inspected and maintained according to the compliance schedule

A compliance schedule is a document issued by the BCA that identifies the required maintenance for buildings which have specified systems. This is essentially a maintenance contract between the Territorial Authority and the building owner that these systems will be maintained as is necessary for ongoing compliance with the Building Act 2004. You should apply for a Code Compliance Certificate (CCC) as soon as possible after all work has been completed in order to be issued a compliance schedule and open

your building to the public. This is an important document and must be retained in the location stated on the compliance schedule as agreed upon.

How do I obtain a compliance schedule?

For new buildings, an application for a compliance schedule should be made as part of the building consent application where the building will contain specified systems.

For existing buildings where, specified systems are being added, altered or removed, a building consent application is required.

How do I amend my compliance schedule?

You can apply for a compliance schedule amendment where a building consent is not required by completing the [Application for amendment to compliance schedule Form 11](#) and forwarding to building-cs@southlanddc.govt.nz.

What information do I need if I am applying for a compliance schedule?

Your agent for each specified system should provide you with information relating to the performance standards and the inspection, maintenance and reporting procedures for each specified system contained within the building at the time the application for building consent is made. [Specified System Forms](#)

Could I be prosecuted for not obtaining a compliance schedule or if my Building Warrant of Fitness has expired?

Yes, depending on the alleged offence, the fine ranges from \$20,000 to a maximum of \$200,000.

Building Warrant of Fitness (BWoF)?

A Building Warrant of Fitness (BWoF) is a building owner's annual statement confirming the building is safe and healthy for people to enter, occupy or use.

Specified systems are safety systems of a building. These could be sprinkler systems, lifts, fire alarm systems, ventilation systems. These specified systems are listed on the compliance schedule for their building. The BWoF is the way of ensuring these systems have been maintained and checked in accordance with the compliance schedule for the previous 12 months.

A compliance schedule is issued by the BCA or the TA. It states the specified systems within a building, their performance standards and the inspection, maintenance and reporting procedures to be followed.

It is the responsibility of the building owner to supply Council each year a BWoF on the anniversary of when their original compliance schedule was issued. A building owner can appoint an IQP to manage this task for them but it still remains the owner's responsibility to make sure Council receives the documentation.

A BWoF must be displayed in an area of the building where it can be seen by all building users.

What documents should I keep regarding the Building Warrant of Fitness (BWoF)?

You are legally required to obtain written reports relating to the inspection, maintenance and reporting procedures of the compliance schedule which must be signed by the independent qualified person, who has carried out any of the listed procedures, (inspection, maintenance or reporting). These reports are issued on a Form 12A.

The number of Form 12As required to be obtained will depend on the number of specified systems in the building and the number of IQPs required to carry out the procedures.

You are required to keep all reports (certificates) together with the compliance schedule for a period of two years and produce those reports for inspection when required.

In some instances, there are maintenance requirements that the property owner or manager may complete. In this case, you must ensure that you keep a register of completing these maintenance items as they occur and as specified by your compliance schedule.

What is an Independent Qualified Person (IQP)?

An IQP is a person who is qualified to carry out any performance inspection, maintenance, reporting or recommendation on a specified system.

Southland District Council, along with all other BCAs in the South Island, uses a communal IQP list which is maintained by the Timaru City Council, on their website.

All IQPs are required to be included on the [IQP list](#) if the documentation is to be accepted with BWoF renewals.

Certificate of Acceptance (COA)?

A CoA may be issued by Council for building work that did not have building consent if, on reasonable grounds, the aforementioned building work complies with the current New Zealand Building Code.

A CoA can usually be issued for work done after 1 July 1992. There are two key types of work where a CoA would be issued:

Work done under urgency/emergency situation

This is work which needs to be undertaken to protect lives or property from danger and the time it takes to obtain a building consent would be unreasonable and increase the length of exposure to the risk. Section 41 of the Building Act 2004.

Work that has been carried out without a building consent when it was reasonable to do so

This could be when:

- an owner (or previous owner) should have got a building consent but didn't (under either the 1991 or 2004 Building Act)

- an accredited building consent authority that is not a territorial authority or regional authority granted consent but is unable or refuses to issue a Code Compliance Certificate

When applying for a Certificate of Acceptance the construction documents, plans and specifications are the same as if a building consent was being applied for but with added verification showing how the actual construction meets the requirements of the plans and specifications and, in turn, how compliance with the New Zealand Building Code has been achieved.

If the application is declined, Council must issue a Notice to Fix which will set out what remedial works needs to be done so the work complies.

You can apply for a COA by logging into the [ObjectiveBuild](#) website and completing an online application.

Dangerous and Insanitary Buildings

The objective of the dangerous and insanitary building legislation is to ensure that people who use buildings can do so safely and without endangering their health.

A building is considered to be dangerous and insanitary when it meets Sections 121 and 123 of the Building Act as follows:

A building is dangerous for the purposes of this Act if,

- (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—
 - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
 - (ii) damage to other property; or
- (b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.

A building is insanitary for the purposes of this Act if the building—

- (a) is offensive or likely to be injurious to health because—
 - (i) of how it is situated or constructed; or
 - (ii) it is in a state of disrepair; or
- (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
- (c) does not have a supply of potable water that is adequate for its intended use; or
- (d) does not have sanitary facilities that are adequate for its intended use.

Council's Role

Council adopted a policy in 2018 outlining the steps that they will take in dealing with dangerous and insanitary buildings.

When a dangerous or affected building is deemed to be immediately dangerous, Council will act immediately by following the procedures set out in the Act.

When a building is deemed to be a dangerous building, but not immediately dangerous, Council will liaise and consult with the relevant owners and encourage the owners to produce a mutually acceptable formal proposal on how the problem will be rectified.

If after a reasonable time-period a mutually acceptable formal proposal has not been achieved, Council will take further steps to address the problem by following the procedures set out in the Act which may include but is not limited to:

- putting up a safety barrier to prevent people from approaching the building
- attach a notice on to the building that warns people not to approach the building
- issue a notice for work to be completed on the building that will reduce or remove the danger or prevent the building from remaining unsanitary
- issue a notice that restricts entry to the building for particular purposes or for particular persons or groups of persons.

If the building is still not brought up to the required standards, the Territorial Authority may decide to rectify the issues themselves. The cost of repair work or demolition work will be recovered from the owner. If Council is to take this path, they will need to give 10-days written notice to the owner of their intention to do so.

Information relating to dangerous buildings will be recorded against the property file held at Council and will be provided on any LIM produced for the property.

Heritage Buildings

When assessing a heritage building for dangerous or insanitary reasons Council will consult with Heritage New Zealand provided that the time required for consultation will not materially increase the physical danger to the public.

Earthquake Prone Buildings

New Zealand is a seismically active country and because of that rules apply to potential earthquake-prone buildings.

The Ministry of Business, Innovation and Employment (MBIE) is responsible for overseeing the changes to the Building Act and relevant regulations.

Territorial authorities (councils) play a key role in managing earthquake-prone buildings.

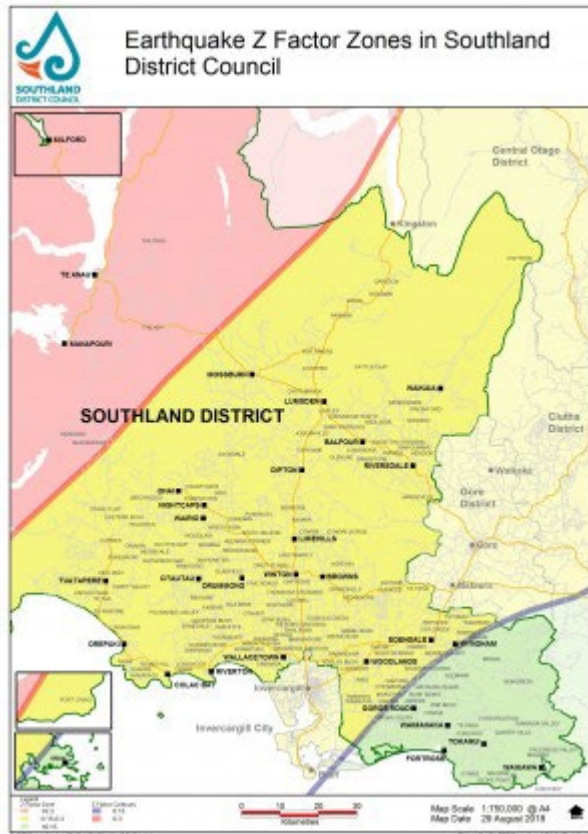
Council's role

- identify potentially earthquake-prone buildings and notify the building owners
- consider engineering assessments provided by building owners
- determine if a building is earthquake prone, and if it is, assign an earthquake rating
- issue EPB notices to owners of earthquake-prone buildings
- publish information about earthquake-prone buildings on the EPB register

How it impacts on Southland District

New Zealand has been divided into three seismic risk areas (see map below) [PDF, 550 KB]; low, medium and high. Southland District spans across High, Medium and Low seismic risk areas. [Download a PDF versions of the map](#)

[PDF, 550 KB]



The 3 seismic zones have different times frames for councils and owners to complete the work required.

Council will work with building owners if their buildings are deemed to be earthquake-prone. If buildings are considered to be earthquake-prone, owners will be required to provide Council with an engineering assessment within 12 months of the notification.

If the owner does not provide Council with an engineering assessment within this timeframe, the building will be deemed to be earthquake prone by Council.

Managing public safety

Identifying and responding to earthquake-prone buildings (and the changes to legislation) is done in the context of public safety. Buildings that have been 'earthquake strengthened' can still collapse as a result of an earthquake, however, the strengthening work is designed to help prevent loss of life.

Decision on priority area consultation

After going through a public consultation process, Council has decided to classify the following areas as earthquake priority areas:

- Otautau - 126-176 Main Street from the Alderley Street intersection to the Chester Street intersection
- Riverton - 96 - 176 Palmerston Street from Jetty Street to in part just past Princess Street
- Winton - 102 – 304 Great North Road from Bute Street intersection to George Street Intersection
- Wyndham - Balaclava Street from Redan Street towards Scutari Street not including numbers 12, 42, 44, 61 and 63 Balaclava Street.

Council staff have assessed each building in the identified areas to determine whether the owner would be required to provide an engineering report to Council.

Council has followed the Ministry of Business Innovation and Employment guidance documents to undertake these assessments. The Building Act 2004 required councils to complete their assessments of priority areas by July 2022.

Following on from this we will be assessing each building in the District to determine if an engineering report is required. In the medium seismic zone, the timeframe set out by the Building Act is July 2027. We anticipate to complete these assessments ahead of schedule.

Not all buildings come under this legislation. Residential houses, farm buildings, bridges, tunnels and monuments where people can't enter are not part of this legislation.

Hostels boarding houses or other specialised accommodation that are 2 or more storeys, however, will need to be assessed.

Need more information?

More information about earthquake-prone buildings can be found on MBIE's [website here](#).

You can also contact Council by email building-cs@southlanddc.govt.nz.

Swimming and Spa Pools

New pool safety legislation came into effect on 1 January 2017. Requirements for restricting access to residential pools has been moved to the Building Act 2004.

Key changes include:

- a new requirement for mandatory inspections of swimming pools every three years
- allowing safety covers to be used as barriers for spa pools and hot tubs
- indoor pools now require a means of restricting access
- introducing additional enforcement tools for territorial authorities, including notices to fix.

Southland District Council has a duty to ensure all pools (incl. portable pools) on residential properties are safe, and to provide advice and assistance to home owners to ensure pools meet the legislative safety requirements.

It is estimated that there are more than 60,000 in-ground swimming pools and 100,000 small heated pools in New Zealand, and quite a few of these are in the Southland District.

Swimming pools, spas, hot tubs and lap pools are great for recreational activity and relaxation, but they can also be extremely dangerous for small children. Sadly, every year families suffer a terrible loss through drowning in residential pools. On average, every year two children aged under five die from preventable drowning and more than 30 are hospitalised.

For full information on the requirements for the fences/barrier please view the [New Zealand Building Code - Section F9](#).

Also read: [Guidance for pool owners](#)

Council's Role

Councils have a duty to ensure the safety of everyone within the District, and residential pools are part of the duty of care.

Under the Building Act 2004 Council, as a territorial authority, is directed to inspect all residential pools at least once every three years.

Council will endeavour to work with property owners to ensure pools comply but, if required, Council has the ability to issue a Notice to Fix and if further action is required infringements can be issued.

An important part of this process is to have your pool registered with Council. This is an easy process to complete by simply clicking the link below and filling in your details:

[Register my pool or spa](#)

Pool Fences

Under the Building Act 2004, residential pools require a means of restricting access. Fences are the main means of restricting access to pools; the following information is an outline of the requirements they should meet.

You must obtain a building consent before installing a pool barrier (except for a safety cover for a small heated pool).

Fence around pool area

- not less than 1200mm in height and not angled more than 15° from vertical, and only sloped away from the pool
- any horizontal rods, rails and/or wires forming part of the barrier must be 900mm apart vertically
- no openings in the barrier greater than 100mm in diameter
- steel mesh can be used as an alternative to solid panels but must not have openings any greater than 13mm
- there shall be no ground features or objects outside the pool barrier within 1200mm of the top edge that can aid in climbing over the barrier
- have no projections or indentations greater than 10mm on the outside of the pool barrier.

Boundary fences used as part of the pool fence

- not less than 1800mm high
- have no openings greater than 100mm
- be further than 1000mm horizontally from the water's edge
- have a 900mm high zone on the pool side of the barrier that begins not more than 150mm from the top and is constructed as specified in Building Code F9

Pool wall as part of the barrier

- not less than 1200mm in height and any ladder or other means of providing access to the pool shall have an enclosing barrier and gate
- any horizontal rods, rails, wires forming part of the pool wall must be 900mm apart vertically
- there shall be no ground features or objects outside the pool barrier within 1200mm of the top edge that can aid in climbing over the barrier
- have no projections or indentations greater than 10mm on the outside of the pool barrier.

Gates in pool barriers

Gates are an important part of the safety of the barrier as they need to be able to prevent entry of children.

The following is an outline of the requirements that the gate needs:

The gate itself

- not less than 1200mm in height
- not angled more than 15° from vertical, and only sloped away from the pool
- any horizontal rods, rails and/or wires forming part of the barrier must be 900mm apart vertically
- no openings in the barrier greater than 100mm in diameter
- steel mesh can be used as an alternative solid panel but must not have openings any greater than 13mm
- there shall be no ground features or objects outside the pool barrier within 1200mm of the top edge that can aid in climbing over the barrier
- have no projections or indentations greater than 10mm on the surface

The gate operation

- be hinged
- open away from the pool
- swing clear of any obstruction that might hold it open
- self-closing device that will close the gate from any position
- hinges will be arranged so gate will not open if lifted or pulled down
- gap under gate less than 100mm
- latch either 1500mm above ground or 150mm below on the pool side of gate
- latch cannot be operated inserting an implement through any gaps

Pool Inspections

Pool owners can choose who undertakes the mandatory inspection of their pool – either the territorial authority, or an independently qualified pool inspector (IQPI). The IQPI is a person accepted by the Ministry of Business, Innovation and Employment (MBIE) as qualified to carry out periodic inspections.

Independently qualified pool inspectors on Trading Standards' pool inspector website has more information.

In addition to three yearly inspections, territorial authorities also have discretion to inspect any residential pool at any time, including small heated pools, to determine whether the pool barrier requirements are being complied with.

For efficiency, Council inspectors will generally inspect all pools in a certain location on the same day/week. Council will endeavour to give you 72 hours' notice of inspection, and you will be given a date and an approximate time for the inspection.

You are not required to be there if the inspector can gain access to the pool area, but if the pool is inside or behind a locked gate you will need to be onsite to let the inspector have access.

If everything is compliant they will pass the pool inspection. If the pool is a small heated pool it will not require further inspections but the owner is responsible for maintaining the small heated pool to ensure it remains compliant. If it was a fence/barrier that was passed, it will go onto a list to be re-inspected every three years.

If the pool has not passed an inspection, a site notice will be issued outlining what needs to be rectified and, depending on the item, it may be resolved via an email or a follow-up inspection which could incur additional fees.

If, after a reasonable period of time, the issue has not been resolved, a Notice to Fix may be issued and if there is still no further action, infringements may be issued which could lead to further costs incurred.

The goal of the inspections is to ensure the safety of users in or around the pool and Council will help as best it can to help you make the pool safe. There is a charge for inspections of pools, please see our [Schedule of Fees and Charges](#).

Read guidance here: [Mandatory inspections every three years](#)

Spas/hot tubs

Under the Building Act 2004, all pools require a means of restricting access.

Spas, hot tubs and any other small heated pool with a surface area of under 5m² can have a different means of making the pool safe rather than a fence.

The following is an outline of these requirements:

Sides of the small heated pool

- not less than 760mm in height
- not angled more than 15° from vertical, and only sloped away from the pool
- no external objects or projections within 760mm of the top edge that can aid climbing on top of the pool
- have no projections or indentations greater than 10mm on the surface

The cover

- support 20kg in the centre of the cover
- shall be sloped to prevent water from pooling on top
- held in place with straps with lockable snap fasteners with a minimum width of 33mm
- cover cannot be lifted more than 100mm when closed
- warning signage displayed on two opposite sides of the cover

Council has found that the warning signage is quite often the failing point for small heated pools. To help you comply, Council has printed suitable warning signage - please contact us if you would like us to send these out before your inspection, or talk to the inspector on the day of your inspection and they will be able to provide them.

Read guidance here: [Restricting access small heated pools](#)

Tips and Tricks

Things which help keep children safe

Children can be attracted to pools like magnets. Here are some tips and tricks to help prevent them from entering the area unsupervised and keep them safe:

- at the end of the day, put away all toys and floats
- never prop open the door to the pool area
- use the pool area for swimming only
- set clear rules for behaviour around the pool
- have a plan for when ball, toys, objects get thrown into the pool area
- explain why they can't use the pool when they want to.

Rides and Amusement Devices

What is an amusement device?

Amusement devices include any fairground rides and any other mechanically-powered unit that is used for rider entertainment.

These include but are not limited to:

- Bumper boats
- Bumper cars
- Bungee jumping (when a mobile crane and platform are used)
- Can-Am cars
- Fairground machinery, e.g. merry-go-rounds, Ferris wheels, roller coasters, etc.
- Indoor go-kart operations
- Jet skiing
- Magic carpet riding
- Minibikes (three and four-wheel all-terrain vehicles)
- Parasailing

Documentation needed to operate an amusement device

BEFORE you can operate the amusement device, you must obtain BOTH the certificate of registration AND the permit to operate. Allow sufficient time to obtain first the Certificate of Registration, and then the Permit to operate.

The Certificate of Registration is managed by Worksafe and is to be applied for with them.

[Registration for registration of an amusement device](#)

The Permit to Operate an Amusement Device is a Worksafe form but it is to be completed and emailed to directly to Council at building-cs@southlanddc.govt.nz. There are charges for the permit and any inspection required. Please see [Schedule of Fees and Charges](#).

[Application for a permit to operate an amusement device](#)

Applications to Council must be submitted at least 3 working days prior to the event. Council will schedule an inspection after receiving a full and complete application. The inspection will be completed on the day the amusement device is constructed in the location of its intended use and before it is opened for use by public. When the officer is satisfied with the inspection they will issue the permit so the amusement device can operate.

Tiny Houses

If you are considering building a tiny house, it is important to understand what rules apply and what requirements need to be considered before you start building.

[What is a Tiny House?](#)

Some people refer to tiny houses as compact dwellings, detached standalone dwellings, tiny houses on wheels, or have their own interpretations of what tiny houses are. It is important to understand the definition difference between a “building” and a vehicle”. The [MBIE Guidance](#) provides a good flowchart explaining this.

It is important to clearly define the intended use, location/s, and construction method which will then inform which pieces of legislation will apply to your tiny house.

Check with the SDC building department to find out what applies to your situation. We will provide you with information about the requirements for building a tiny house in your area, including any applicable codes and permits.

Confidential complaints and feedback

What happens if I am unhappy about a decision the Building Consent Authority has made?

You have the right to appeal a decision the BCA has made, or to complain about any building control function the BCA undertakes. Complaints must be made in writing and can be emailed directly to

esqualityassurance@southlanddc.govt.nz

The above email address is monitored by our Building Solutions quality team. All information is kept private and confidential. The [Complaints Policy document](#) explains in detail how the process works.

What information is required?

- date incident occurred
- nature of complaint (guidance information, vetting, lodgement, inspection, notice to fix, code compliance certificate or compliance schedule)
- copies of any supporting information (if applicable)
- relationship (customer, regulator, or stakeholder).

How long does it take?

All complainants will be responded to within two working days of the receipt of the complaint, at which time you may be asked whether you wish to be heard in relation to the complaint or to provide further information.

All complaints will be acted upon within 20 working days of receipt of the complaint, unless a request for further information is made.

Do I have a right of appeal?

Yes, if you do not agree with the outcome you may request a review of the decision. All appeals must be made in writing, setting out the reasons why you disagree with the decision.

All appeals should be addressed to:

Chief Executive
Southland District Council
P O Box 903
Invercargill

All appeals will be responded to within 10 working days.

What else can I do?

In some cases, you can seek a determination from the Ministry of Business Innovation and Employment (MBIE) where there is a matter of doubt or dispute, or lay a complaint with the MBIE regarding building control function. Queries of this nature should be made to MBIE direct.

Further information on determinations can be found at [determinations](#).

Complain about the Building Consent Authority

We are here to serve you as our community, however we understand that you may not always be happy with the outcome or decision made. If you have a problem or a concern about the building consent authority or territorial authority building function, contact Southland District Council on 0800 732 732 or send an email: sdc@southlanddc.govt.nz

Southland District Council staff are the building consent authority, or in some instances, a contractor employed to carry out the role.

Visit www.building.govt.nz for further information on this process and to download the [Complaint about a BCA Form](#).

Complain about a Licensed Building Practitioner (LBP)

If you are unable to resolve a problem with your Licensed Building Practitioner (LBP) directly, you could look at other options such as making a complaint. You can make a complaint where you believe they were negligent, incompetent or in breach of the grounds for discipline in the Building Act.

Council and the BCA does are not involved in this process.

From 25 October 2022, the code of ethics for LBPs is enforceable by the Building Practitioners Board. The Government introduced the new code of ethics for LBPs in October 2021, with a 1-year transition before it became enforceable.

There have been no changes to the LBP licensing scheme as a result of the code of ethics coming into force, but the code of ethics ensures high standards are maintained in the industry, while giving the public more confidence that LBPs are reputable and operate ethically.

If you have a problem or a concern about a building practitioner, you can follow the guidance under [Licensed Building Practitioners website](#) on the [making a complaint](#) page.

The Building Practitioners Board can:

- investigate and hear complaints about work or conduct (a disciplinary process with evidence given under oath)
- discipline and fine an LBP
- record any disciplinary action on the public register for LBPs for three years.

The Building Practitioners Board cannot:

- award the complainant any compensation or make the LBP fix defective work
- hear complaints regarding payment disputes, or commercial or contractual disputes including employment disputes.

If your problem relates to one of these issues, you will need to look at other options.

Book an Inspection On Line

<https://www.southlanddc.govt.nz/my-property/building-consent/bir/>

Book a Consultation

<https://www.southlanddc.govt.nz/my-property/building-consent/book-consultation/>

Notices and News

<https://www.southlanddc.govt.nz/my-property/building-consent/notices-and-news/>

<https://www.southlanddc.govt.nz/home-and-property/building-services/building-better-newsletter/>

Forms, Guides and Checksheets

[Forms, Guides and Checksheets](#)

Useful websites/telephone numbers

Name	Website	Phone
Search the Licensed Building Practitioners (LBP) register	https://kete-lbp.mbie.govt.nz/advanced-building-practitioner-search/	
Plumbers, Gasfitters and Drainlayers register	http://www.pgdb.co.nz/search/public-register.html	
Ministry of Business, Innovation, and Employment (formerly DBH)	https://www.building.govt.nz/	0800 606 050

Name	Website	Phone
Environment Southland	www.es.govt.nz	0800 768 845
BRANZ	www.branz.co.nz	0900 5 9090
Consumer Build (Independent advice)	www.consumerbuild.org.nz/publish	
Land Information New Zealand	www.linz.govt.nz	
Engineering New Zealand	https://www.engineeringnz.org/	(04) 473 9444
Southland Warm Homes Trust	http://www.powernet.co.nz/community-involvement/southland-warm-homes-trust/	
Fire and Emergency New Zealand	https://fireandemergency.nz/	
Fire and Emergency New Zealand– Community Responsibility	https://fireandemergency.nz/at-home/your-community-responsibility/	
NZ Homeowners' Building Guide	www.buildingguide.co.nz	(09) 360 8885
Building code	http://www.legislation.govt.nz/regulation/public/1992/0150/latest/DLM162576.html	

Useful Publications

Name	Website	Phone
NZ Homeowners' Project Workbook – Your Guide to Building a Better Home	www.buildingguide.co.nz	(09) 360 8885
MBIE – Guide to applying for a building consent	Guide to applying for a building consent (Simple residential buildings)	

Definitions

Satisfied on reasonable grounds

A BCO must be "Satisfied on Reasonable Grounds" that the plans, materials and the final build will meet the requirements of the building code. They will utilise their technical expertise to review the plans, specifications and supporting documents which may include but are not limited to:

- BRANZ appraisals
- CodeMark certificate
- manufacturer's specifications
- engineer's calculations
- statements of expert opinions, along with any other specialist's input that may have been required, and to their satisfaction established compliance with the relative clauses of the New Zealand building code.