



Purpose

To document the policy for completion of a building consent application after it has been accepted at the lodgement stage.

Scope

This document describes the policy and guidelines that govern the consents process. In addition to the standard building consents process the policies for Metrowater drainage and fast track applications are also described

Reference

- Building Act 2004 – Sections 40-52, 84-90, 91-95, 112-120
- Building (Forms) Regulations 2004 (2004/385):Form 5 – Building Consent
- Building (Forms) Regulations 2004 (2004/385): Form 7 – Code Compliance Certificate
- CENV 4078, Residential building consent and/or project information memorandum application
- CENV 4079, Commercial application for project information memorandum and/or building consent.

Background

1. A building consent is the formal approval, under section 49 of the Building Act 2004, to enable an applicant to undertake building work.
2. Except in specific circumstances (section 41) a person may not carry out building work without a building consent. Even if a building consent is not required, all building work must be undertaken in accordance with the Building Code.
3. Building consent must be granted or refused by a building consent authority within a 20 working days.
4. Because a Code Compliance Certificate is issued on Form 7 against the building consent documentation, and that documentation must accurately reflect what is to be built, changes during construction may require an amendment to the building consent.
5. Although the Building Act 2004 makes no reference to the use of producer statements, building consent authorities may, as an established industry practice, continue to accept producer statements as a mechanism for establishing compliance with all or any part of the Building Code.
6. A building consent authority may request further information within the 20 working day time frame. If a request for further information is made, the 20 working-day period is suspended until the required information is provided.

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7. During building consent processing a copy of certain building consent applications are required to be sent to the New Zealand Fire Service Commission to allow them to provide advice regarding provisions for means of escape and the need for people who are authorised to enter the building to undertake fire fighting. The New Zealand Fire Service Commission may, after receiving a copy of the application, provide advice in the form of a memorandum within 10 working days. If this advice is not received, the building consent authority may proceed to determine the application without the New Zealand Fire Service Commission input.
8. Before determining whether or not to grant the building consent the building consent authority is required to take into account:
 - Whether a building method or product to which a current warning or ban relates will or may be used or applied in the building work.
 - A memorandum provided by the New Zealand Fire Service Commission.
 - If the proposed building work involves alterations, extension of life, change of use or subdivision: whether the building in its new use will:
 - i. comply, as near as is reasonably practicable, with the provisions of the Building Code that relate to means of escape from fire, protection of other property, sanitary facilities, structural performance, fire rating performance and access and facilities for people with disabilities (if required by section 118), and
 - ii. continue to comply with the other provisions of the Building Code to at least the same extent as before the alteration, change of use, or subdivision was made.
 - Whether an extension of life or the specified life of the building is appropriate to the application.
 - Whether any work relates to restricted work.

Note: The restricted building work provision does not come into effect until 30 November 2009.
9. The building consent must be issued on Form 5 of the building regulations, if the building consent authority is satisfied on reasonable grounds that the provisions of the Building Code will be met if the building work is completed in accordance with the plans and specifications that accompany the application. However, a building consent authority is not required to grant a building consent until it receives any charge fixed by it in relation to the building consent and any levy payable as required under section 53 of the Building Act 2004.
10. For Metrowater building consents, an individual procedure has been established to handle building consent applications and inspections for the numerous applications being needed. This procedure enables the faster processing of Metrowater applications. Metrowater applications are identified during the Lodgement (BLD-4.0-POL) portion of the process.
11. Building consent applications that meet requirements may be fast tracked. These are identified during the lodgement phase (BLD-4.0-POL) to enable faster processing.