



Introduction

This policy has been prepared to provide guidance, clarity and consistency to applicants on the acceptance of building consent applications.

Section 40 of the BA2004 stipulates that a person must not carry out any building work except in accordance with a building consent. There are occasions when a building consent is not required and this is covered in Schedule 1 of the BA2004.

Sections 44-47 outline, when applying for a building consent how to apply for a building consent and if necessary certain applications are copied to the NZFS Commission for providing advice on the application in relation to the means of escape from fire and the needs of those persons who are authorised to enter the building to undertake fire-fighting.

Scope

This policy sets out the protocol to be followed by BCA/TA in the acceptance of building consent applications. BCA/TAs will not accept building consent applications for building work that does not meet this policy.

Abbreviations and acronyms

BA2004: Building Act 2004 (current Act)

BCA: Building consent authority

BRANZ: Building research association of New Zealand

DBH: Department of building and housing

NZFS: New Zealand Fire Service

TA: Territorial authority

References

Building Act 2004 Sections 40-47 - Building consents

Building (Forms) Regulations 2004 (2004/385) – Form 5 – Building consent

Building Levy Order 2005

Building Research Levy Act 1969

BLD-4.1-FLOW, Applying for a building consent

BLD-4.2-PROC, Applying for a building consent

CENV 4078, Residential building consent and/or project information memorandum application

CENV 4079, Commercial application for project information memorandum and/or building consent.

Fees and charges manual – Auckland City Council’s intranet

©Auckland City Environments, ACE, 2007 controlled document. This document has been prepared solely for the use of ACE. Any unauthorised use or disclosure or copying is strictly prohibited.

	Name	Title		Date
Author	Peter King	Senior Specialist – Building Regulatory Services		
Approved by				
Issued by				
Version	Draft 1	Date issued		Expiry date



Policy

All submitted building consent applications must be accompanied with the completed and signed application form, Form 5 of the Building Regulations. The appropriate and relevant documentation is submitted with the application at the time of lodgement. An assessment will be undertaken prior to accepting the application for lodgement to ensure that all relevant documentation has been provided. The building consent application form (CENV 4078 or CENV 4079) has detailed guidelines when submitting, along with a prelodgement checklist. The lodgement officer checks the application against this checklist and the guidelines to ensure that the acceptable standard is met at lodgement. When a building consent application does not meet these standards, it will be rejected and returned to the applicant.

Applications are accepted by mail or in person. Also an appointment system is available for lodgements. This system has been set-up to ensure availability of the building official for a lodgement. Allocated times are made for the applicant. Late arrivals may result in the applicant rejected and a subsequent appointment time made. Each application is assessed for completeness before being processing.

Fees and charges

Fees and charges are calculated accordingly to the current scheduled prescribed rates in the Fees and Charges Manual. When a building consent application has a proposed project value of less than \$500,000 a fixed fee will be calculated, based on the proposed project value. This calculation is undertaken in an Excel spreadsheet program called "Fee Wizard". Enter the relevant data into the appropriate fields and answer the questions appropriately to establish the fixed fee payment for the project. If the proposed project value exceeds \$20,000, the fee wizard program will automatically calculate the fees and charges for the DBH (under Building Levy Order 2005) and BRANZ (under Building Research Levy Act 1969) levies at the current legislative rates.

Where the proposed building project value exceeds \$500,000 a deposit is taken at the lodgement of the building consent application. The deposit for up to \$1,000,000 proposed project value is \$1,000 and then for every \$500,000 increment over the \$1,000,00 is \$250 deposit payable. On these applications, it is a recommended practice to collect the DBH and BRANZ levies at the lodgement stage.

Included in the building consent application fee will be a street damage deposit fee. This deposit fee is based on the value of the proposed project value and applied on specific types of building work. Refer to the current fees and charges schedule for the appropriate calculations

At the lodgement stage of the building consent application, the building official will in conjunction with the applicant, calculate the proposed notifiable inspections associated with the proposed building work. If the Fee Wizard does not calculate the number of inspections correctly, manual adjustments are made to the printout and signed by the coordinator or team leader.

Matters of dispute

When an applicant disputes the decision made by the BCA/TA to decline an application or disagree with the fees payable, this matter is first addressed by the team leader for that section and then if necessary, the team manager.



Access to buildings by persons with disabilities

Refer to Building Act 2004, sections 117-120

Access for people with disabilities in public buildings is very important. To assist in having documentation available, NZS 4121 – Design for Access and Mobility – Buildings and Associated Facilities has been cited in the Building Act 2004 as a compliance document to meet the New Zealand Building Code requirements. This document, along with the NEW Zealand Building Code provide acceptable solutions for access requirements to driveways, access ways and passageways within and between complexes and developments and landscaping to which access requirements applies.

New construction should fully comply with the requirements of by the New Zealand Building Code and NZS 4121.

The difficulty comes when alterations to existing buildings are undertaken. In many cases the acceptable solutions cannot be met and this becomes a disputable area between the parties to resolve. In the Building Act 2004 under section 112 – Alteration to existing buildings – it states (in part) that the building consent authority must not grant a building consent for the alteration to an existing building unless the building consent authority is satisfied that, after the alteration, the building will:

- Comply, as nearly as is reasonably practicable – with the provisions of the building code that relate to access and facilities for persons with disabilities.