



## **Building Consent Process**

# **Inspecting and Certifying Consented Building Work**

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# Construction Inspections

## *When can work start?*

You are liable for infringement fines if work starts before a consent is issued. You must obtain and read the stamped approved building consent documents before work begins. These stamped documents must be kept on-site at all times during the construction process.

If your building consent was issued with a Section 37 notice (Building Act 2004), building work must not start until the specified Resource Consents have been granted.

If your project includes Restricted Building Work (see below) and you have not already provided Council with the names of the Licensed Building Practitioners (LBP's) who will carry out the restricted work, you must do so before the first inspection has been called for.

A Building Act condition (section 90) will be placed on the approved consent documents that stipulates the entitlement for the BCA, or its nominated agent, for the purposes of this section are entitled, at all times during normal working hours or while building work is being done, to inspect:

- land on which building work is being or is proposed to be carried out; and
- building work that has been or is being carried out on or off the building site; and
- any building.
- Restricted building work (RBW)

If your project includes restricted building work (RBW) the restricted work can only be carried out by, or under supervision of an LBP approved for the specific type of work. Before the work starts, you must provide Council with the names and registration numbers of the LBP's who will carry out the work.

Section 87 of the Building Act 2004 states that the owner must notify names of LBP's engaged in restricted building work. The Act also states that after any RBW commences under a building consent, the owner must give the Building Consent Authority written notice as soon as practicable, and the names of the LBP's concerned.

You need to be aware that if an LBP changes during the project, you must advise Council before the new tradesperson starts. On completion of the work, each LBP must provide a Record of Work certificate. Council will require copies of these certificates prior to the Code Compliance Certificate being issued. It is an offence for a person who is not an LBP to carry out RBW unless the work is carried out under an approved Owner Builder Exemption.

## *Owner/builder exemptions*

It is possible in some circumstances to get an Owner Building Exemption for DIY work that is Restricted Building Work. Owner-builders can carry out restricted building work (RBW) on their own home. You are an owner-builder if you:

Live in or are going to live in the home (includes a Bach or holiday home)

Carry out the RBW on your own home yourself, or with the help of your unpaid friends and family members, and

Have not, under the owner-builder exemption, carried out RBW to any other home within the previous 3 years.

Before you can use the owner-builder exemption you need a written declaration showing that you meet the owner-builder criteria. The statutory declaration form must be witnessed and signed by a Justice of the Peace or someone else authorised by law to do so.

Applications that include Owner Building Exemption must be lodged with completed forms 2b and 2c attached. These forms are available on our website. More information is available on the Ministry of Business Innovation and Employment website [www.building.govt.nz](http://www.building.govt.nz)

## Inspections must be arranged at specific stages of the project

There will be a number of inspections scheduled for your building project. A list of required inspections can be found in the approved building consent document. Building inspections are scheduled at critical stages of the construction process. It is the building owner's, or their appointed agent's responsibility to arrange inspections at the correct stages of the construction process.

The building officer will approve or fail the inspection electronically. You will need to have a failed inspection rechecked before you can proceed past that point in the project. The building officer will supply you with a copy of the inspection report, which will also have the failed items listed, by email.

Dependent on the degree of failure you may be able to proceed with other parts of your project. The building officer will discuss this with you at the time of the inspection. The process for failed inspections is explained in greater detail in the Inspection Procedure section of this document. The inspection process applies to all projects that have an approved building consent.

## How do I arrange a building inspection?

Call the Council and make an appointment as soon as you are ready for the inspection. Council requires a minimum of 48 hours' notice. All inspections can be booked by phoning 03 433 0300.

When you make a booking, you will need to quote the following:

- Building consent number
- Type of inspection
- Site address
- Contact name and phone number

Please do not ring the building officer's cell phone to book an inspection. Contacting the dedicated administration staff is the only guarantee that an inspection is booked.

## *What happens when the Building Officer arrives?*

### **Site Safety**

You are responsible for the safety of your site. The building officer may refuse to carry out an inspection where adequate safety provisions have not been taken. This includes such issues as well restrained ladders and scaffolding and includes shutters in trenches etc. when required. If the inspection is in an elevated area you must have restrained scaffolding or another method available so the building officer can view the work.

### *What to expect on inspection day?*

On inspection day, you or your agent need to be on site with consented plans and associated documentation, as the inspection is verification of construction to consented documents. Building consent authorities can refuse to undertake an inspection if a copy of the approved consent documentation is not available. These should always be on site anyway to be used as the 'building plans' by your builder and other contractors.

You, or your representative, need to:

- respond to any requests from the inspector, so that they can give you approval to proceed:
- minor problems might be easily fixed or approved, and noted on the inspection record (part of the building consent documentation)
- major problems might require a formal amendment through the council before work can proceed
- following an inspection, check the inspection record to see whether the work passed or failed and that all inspections performed are listed
- if the work passed, continue with your work
- if the work failed, fix all areas of non-compliance, and arrange another inspection within the advised timeframe.

Building consent authority inspection requirements will vary with the size and complexity of each project.

### **Meeting the requirements of the Building Consent and Building Code**

Re-inspections may be required if the Building Officer is not satisfied that the work meets the consented documents and the requirements of the Building Consent and the Building Code. This may incur additional charges if inspections exceed those estimated when you received your Building Consent application.

The work must be carried out in accordance with your approved Building Consent. If you wish to change some aspect of the project, you must first obtain an amendment to the Building Consent before the work is carried out. The process for obtaining an amendment is the same as obtaining the original consent. It is very important that at the time of inspection the Building Consent documents accurately reflect what has actually been built.

If the work has not been done in accordance with the Building Consent, the Building Officer will fail the inspection and issue a copy of the inspection record stating what is required to be done. Ensure any outstanding items have been addressed before booking the next inspection. Conditional continuation of work may be agreed for building work not related or impacted by the failed result.

If work complies with the Building Consent, the Building Officer will pass the inspection and issue a copy of the inspection record.

## What happens if the work is not approved?

Areas of non-compliance will be detailed as above. Where issues are of a more serious nature, Council may issue a Notice to fix, requiring any building work not done in accordance with the New Zealand Building Code to be corrected.

Council may also direct that the building work cease in the area affected by the non-compliance until Council is satisfied work may proceed. Failure to act within the guidelines of the Notice to Fix may result in prosecution.

You need to have an understanding of when inspections are needed and the type of inspection. Missed inspections may prevent Council from being able to establish full compliance with the approved building consent, therefore possibly preventing the issuing of a Code Compliance Certificate.

**It is solely the owner or their designated agent's responsibility to call for inspections.** Council takes no responsibility for missed inspections that were not called for.

## Amendment to the approved plans

The Building Act 2004 requires that building work is carried out in accordance with the approved building consent documents. This means any changes to the stamped approved plans will require a building consent amendment or to record a minor variation.

During the construction process, invariably there are changes made. These changes can be recorded by way of a minor variation or an amendment.

A minor variation can be simply recorded by the building officer on the plans. The builder/owner will need to advise clearly on site what has or will change. The building officer will also note the changes on the inspection record and update the main building file once returned to the office.

A major amendment is a formal process and must be applied for in the same manner as the original building consent. The timeframes for Council to process a major amendment are the same as the building consent.

Please ensure that when changes are made that the correct method of amendments/variations is followed and notify Council as early as possible, so the work on-site is not slowed down as a result of any changes. If these amendments/variations are not requested, Council may be unable to issue a Code Compliance Certificate for the project. Some minor variations may be approved on the spot during an inspection, for example the changing of a window to a door (or the reverse) of the same width with no structural implications.

A formal amendment will generate extra costs and the amendment cannot be uplifted until any applicable fees are paid. Council has 20 working days to assess an amendment.

## *Commercial buildings - use by the public*

If the building is classified as a building for public use under the Building Act 2004, it is illegal to allow members of the public to use the building until the Code Compliance Certificate has been issued, unless in the interim, a Certificate for Public use (CPU) has been approved by the Council. It is the responsibility of the owner/agent to apply for this certificate. Application forms are available on the Council website.

## *Inspection types required for new buildings*

### **Piles/Footings/Foundations**

This inspection is required to ensure boundaries are identified and the building dimensions are correct, the foundation ground bearing, trench size and depth are checked and the correct type and size of the steel reinforcing and placement within the foundation. At this time, the accuracy of the siting of the building is checked. Often floor heights and any unusual features would be discussed with the builder. If the boundary is not clearly defined, then the onus is on the builder/owner to confirm boundary positions with surveyed boundary pegs etc.

For pile foundations, the size and treatment of the piles is checked, the location of the anchor/braced/ordinary piles are checked against the approved plans. Ground bearing is confirmed, and siting accuracy determined.

Note: If there is any specialised requirement e.g. geotechnical engineer, or their agent, to confirm ground bearing it must be done at this stage before concrete is poured.

### **Blockwork**

This inspection includes checking the blocks to ensure the internal webs are clean of cement mortar, reinforcing steel is of the correct type, size and placed accordingly. Floor heights are also checked. Washouts are required where blocks exceed 1.2 metres in height.

### **Floor Slab**

The concrete floor inspection involves checking that the correct polythene underlay has been used and that the joints and penetrations have been taped correctly.

Floor thickenings and loading points are checked for the location of extra reinforcing and placement. If reinforcing mesh is to be used within the floor, that it is of the type shown in the approved plans and specifications.

It must be placed at the correct height in the floor and on proprietary supports (bar chairs etc.) and is the correct position in relation to the foundation reinforcing and is tied to the perimeter reinforcing adequately.

Where bond beam reinforcing steel is installed the correct position in relation to the foundation steel must be ascertained with all reinforcing mesh tied correctly. Control joints are placed where required with any proprietary joints correctly positioned. Control joint reinforcing is checked as per the approved plans. The proposed floor thickness is checked by either level, string line or sight lines to comply with the plans and specifications.

### **Underslab Services**

This inspection covers all pipe work under a concrete or timber floor. Underslab Services is the installation of the under floor hot and cold-water supplies and the waste pipes for individual fixtures leading to the building exterior.

This inspection determines that the correct pipe work has been laid under for under the floor, is lagged appropriately for in ground use in the case of hot and cold water and will be subject to a water pressure test. Hot water cylinder drain lines are to be lagged and taped for protection and should be checked for size and location of the outlet.

For waste pipes correct falls and sizes should be determined and venting checked to ensure the length of the outlet is not longer than permitted. Where any pipe work penetrates through the floor, the pipe work is lagged and taped for protection including expansion and contraction within the floor.

## Sub-floor framing

Generally, the inspection of the sub-floor and floor can occur during the pre-wrap inspection. The building officer will check that the anchor/brace/ordinary pile sizing and fixings are correct for location including location and height above ground level. Joist and bearer sizes, spans, blocking and treatment will also be checked. If installed at that stage under-floor insulation will also be checked.

## Wall and roof framing (pre-wrap)

This inspection checks framing grade, treatment type, framing sizes, stud fixings and spans, bottom plate fixings and any supports that are required from the approved plans. The building officer will also ensure that all the bracing, lintel, roof truss/rafter/purlin fixings and straps are installed correctly. The truss layout and fixings are checked to ensure that they comply with the approved truss manufacturers design.

## Pre-cladding Wrap

The inspection regime for claddings are many and varied and rely on the manufacturer's specifications dependent on the type used. Where a cladding is to be installed on a cavity, a "pre-cladding wrap" inspection is required regardless of the type of cladding.

The cavity batten location, fixings, vermin strips, cavity closures and window, door, meter box and roof junction flashings are also checked.

For stucco claddings, the substrate check includes substrate batten and framing fixings, particularly if the substrate is being utilised as a bracing member. All flashings (as detailed above) vertical and horizontal control joints, ground clearances and any proprietary systems requirements are also checked.

Further inspections will be required for the "netting and paper" and the "pre-scratch coat" where the slip layer and netting is checked to ensure there are no holes, the netting is taut and the fixings are correctly installed and spaced. All control joints, flashings, base moulds, corner sections and extra netting around openings and control joint areas are checked to ensure compliance.

## Half-Height Masonry

For brick veneer, the inspection takes place at "half height" where the bricks have been completed to half the finished height of the wall. In the case of single storey buildings and for those buildings greater than single storey, the first inspection will be at approximately the 1.2 metres high mark and any further inspections as required.

The inspection is to check that sufficient numbers and placement of brick ties are being used and fixed correctly, depth of the cavity, width of joints, weep hole sizes/centres are correct, the bottom of the cavity is being kept clean and there are satisfactory clean out options if required.

## Pre-line plumbing

This entails the inspection of the hot and cold-water supplies to individual fixtures, checking the pipe work and sizes are consistent with the plans and specifications, hot water cylinder type and size is correct and able to be maintained when installed, the pipework has sufficient support and clearances, protection from framing (including steel framing), frost protection and that pipes are lagged for energy efficiency where required.

Particular attention is paid to the timber structure to ensure no over-size holes or cut-outs have taken place during the pipe-out process. Attention is also given to the prevention of “water hammer”. Inspections of solar heating and any alternative means of water heating, gas hot water installations (both instantaneous and storage) are within the scope of the Pre-Line Plumbing inspection.

The whole of the plumbing installation must be subjected to an appropriate water pressure test for a specified time to ensure the installation is adequate.

**Note:** Some solar systems are of a low-pressure type where a water pressure test may not be practicable.

## Pre-line building

The internal linings can only be installed once the external cladding has been completed.

The Pre-line inspection includes checking ceiling and wall insulation, moisture check of framing timbers and their timber grading, ceiling battens, window and door joinery air seals and any bottom plate bracing hold-down fixings.

## Post-line Bracing/Firewall

A sheet bracing inspection includes checking the sheet bracing against the plan requirements and ensuring the respective bracing elements are in the correct position, type, length and fixed correctly.

This inspection **must** be completed before any plasterboard stopping is done or the fixing of skirting boards/cornice. The inspection may be failed if the building officer cannot view the fixing of the bracing elements. Internal linings, other than bracing elements, are generally not checked as part of this inspection.

Fire linings are checked against the approved plans and specifications for sheet size, thickness, location, and fixings. Any penetrations through a through firewall lining are checked to ensure the correct framing procedure and proprietary products have been used so as not to compromise the integrity of the firewall and the structure. The building officer may require you to remove some screw fixings to ensure the correct length has been installed.

## Foul and Stormwater Drainage

This includes both sewer and stormwater drainage and connects from either a reticulated system or from (or to) an on-site wastewater and stormwater disposal system.

In either case, the drainage systems are checked against the plans and specification for the type of system it is being laid under, either New Zealand Building Code Acceptable Solutions or AS/NZ Standards (e.g. AS/NZS 3500). These systems have different demands on sewer and stormwater systems and both the in-ground sewer and stormwater drains are checked against the applicable nominated system.

Both the sewer and stormwater are checked for bedding, falls and depth while the sewer is subject to a water test.

Septic tanks and effluent systems are classed as drainage inspections. Tanks will be checked for depth in ground, risers to bring lids to ground level and the sealing of those risers. Pipework to the tanks will also be inspected as per normal drainage inspection practices. Effluent trenches will be checked that the depth, length, and siting are as per the approved plans. Other considerations include that the effluent metal is clean and of the correct sizing and that filter cloth is in place.

## Final inspection

When the building work is complete, a final inspection can be requested. Dependent on the size and scope of the project, one or two building officers will conduct the final inspection.

Using a comprehensive checklist, the building officer checks the building work against the approved plans and specifications and any amended plans to ensure compliance. The building officer will clearly note any areas subject to ground clearance requirements and take photographs as evidence that ground clearances were compliant at the time of the inspection. It is crucial that any further paths or paving, ground works or landscaping (hard and/or soft) do not obstruct the compliant ground clearances.

The building owner is responsible for applying for Code Compliance Certificate when they believe that all building work has been completed. The Building Act 2004 states that the application for a Code Compliance Certificate must be on the application form (Form 6).

## Construction supervision and producer statements

Any building work outside the B1 Acceptable Solution, will require specific design by a suitably qualified engineer. A Producer Statement for Design and Peer Review (PS1 and/or PS2) may be requested at the building consent application stage of the project.

The Council may require as part of its inspection process that a Construction Monitoring Producer Statement (PS4) and relevant documents (inspection notes and photos) is supplied regarding the parts of the building that were covered by the PS1/PS2. The engineer will state on the Producer Statement that work as supervised met the requirements of the approved design.

The Building Act 2004 stipulates the Council must be '**satisfied on reasonable grounds**' that any building element or design meets the provisions of the various codes. As such, Council has sole discretion on acceptance of Producer Statements and technical reports.

## Energy and other certificates

Council may require a number of certificates at the completion of a project. For example, if the building work includes electrical or gas work, certificates from both of these tradespeople will be required to certify that the work has been completed to the required standard.

Council may also request certificates from installers such as the roofer, waterproof membrane applicator and any documentation required as evidence that any specified systems are capable of performing to the performance standards as specified in the building consent

If the project includes Restricted Building Work (RBW) then Records of Work (RoW) certificates from the LBP's that carried out or supervised the work must be supplied. It is an offence for an LBP to withhold a RoW certificate.

## How the completed project is certified

### *What is a Code Compliance Certificate (CCC)?*

When all the building work is completed in accordance with the building consent, a Code Compliance Certificate (CCC) can be issued. This is verification from the Building Consent Authority that all works undertaken comply with the approved building consent and the NZ Building Code. It is an important document and should be retained for future reference. We strongly recommend obtaining a CCC as soon as the work on your project is completed. Without a CCC you may have difficulty selling the property or even getting insurance.

### *Application for Code Compliance Certificate*

It is the owner's responsibility to notify the Council on completion of the work and apply for a CCC. You can do this by contacting Council to arrange a final inspection.

After the inspection please make sure you submit the Form 6 that was supplied in your building consent file. This can be submitted online through the Build portal.

### *Code Compliance Certificates and the Building Act 1991*

The Building Act 1991 differs from the current Building Act 2004 in that building work had to comply with the NZBC but not necessarily the approved plans. It was common for the building to be 'changed' through the build process and the finished article to differ markedly from the original plans. This created a great deal of confusion for subsequent purchasers and this anomaly was corrected in 2004 the implementation of the Building Act 2004. The finished building work must now comply with the NZBC and the approved plans.

### *Obtaining a Code Compliance Certificate for older consents*

Any request for a CCC for work under the Building Act 1991 and the Building Act 2004 may result in the Council requesting the owner agree to a waiver or modification of part of the NZBC (specifically B2 Durability). This is due to the time that may elapsed between work being completed and the

request for the CCC. There are durability timeframes for most building elements and the Council will backdate this durability to accurately reflect the commencement time of durability issues.

When the Council includes a B2 Modification in relation to the CCC process the condition will be placed on the issued CCC. Council must also complete the appropriate form and send this to MBIE for their records.

## Processing your Code Compliance Certificate application

Council has 20 working days to make a decision to either issue or refuse a CCC once it accepts the CCC application.

There may be a number of supporting documents required to assist the decision on issuing the CCC. These typically are Producer Statements from the installers of specific systems, from membrane roofs to fire alarms, certificates for energy work (gas and electrical) LBP Record of Work (RoW) or a Construction Monitoring Producer Statement from an engineer.

If these are not immediately available Council may issue a Request for Further Information (RFI) and 'Stop the Clock' until that information has been received. Once the required information is supplied the 'Clock' will restart on the following working day. Additional requests for further information or inspections may incur additional costs.

## Code Compliance Certificate Application not received within 24 months of the Consent Granting date

If all the work has not been completed and the CCC has not been issued within 24 months of the date the consent was granted, Council are required to make a decision as to whether to issue or decline the CCC.

You may apply for an extension of time, but approval is at Council's discretion. If your CCC has been refused, you should reapply as soon as all requirements have been met.

At the 24-month decision stage Council will review your building file and decide whether to issue or to refuse to issue your Code Compliance Certificate. If all the inspections have been completed successfully and there are no other certificates or information to be supplied Council may, without a Form 6 CCC application, issue the Code Compliance Certificate.

## Issuing of the Code Compliance Certificate

Once Council is "*satisfied on reasonable grounds*" that the building work complies with the building consent and agree to issue the CCC, a copy of the certificate will be uploaded to the portal. If any fees for additional inspections and/or Development Contributions remain outstanding, your certificate will be withheld until payment is received. You can choose to make payment at our Customer Services Centre, via Internet banking or through the portal. If your CCC application is refused you will be advised, in writing, stating the reason/s for the refusal and outlining your options going forward.

## *Code Compliance Certificates for buildings with a compliance schedule*

If your building requires a Compliance Schedule, you will have received a “draft” Compliance Schedule when the building consent was issued. Your CCC will be issued with a final compliance Schedule and a Compliance Schedule Statement. This statement is valid for 12 months. After 12 months of monitoring and maintenance of the specified system/s, you will require a Building warrant of fitness (BWoF). For more information on Compliance Schedules and building warrant of Fitness renewals, please contact our Building Department.

## Issuing a Code Compliance Certificate from another BCA

In order to consider the issuing of a CCC where another BCA has issued the building consent requires the following to be considered:

- Does the building owner agree for this to happen?
- Is the reason for the application for genuine reasons and is not an attempt to circumvent another BCA's processes?
- That an agreement and reasons for the application must be in writing and signed and dated by the building owner.

In addition, the following information should accompany the CCC application:

- Application for the CCC
- A copy of the building consent and associated documents
- A copy of any PIM for the project
  
- Plans and specifications for the building work undertaken under the building consent
- All inspection records to date
- Copy of any notices or certificates issued during the building works
- Energy certificates
  
- Any Producer Statements require
- LBP memoranda where applicable
- Engineers reports
- Any test results any other information that may assist the issuing authority

If sufficient evidence and documentation has been provided, then the BCA can proceed as for a standard CCC application.

## Make a Payment

### *Building Consent Fees*

How it works:

- Fees are payable for a building consent. These fees cover consent processing, inspections, and issue of Code Compliance Certificate.
- Once the application is granted, an invoice will be sent for the fees and levies where applicable.
- Payment can be made by EFTPOS, credit card, bank transfer, cash or through the portal.

- If paying by credit card, a merchant fee of 2% may be applied to the payment. This fee is charged by the credit card and merchant service providers. Council does not retain any part of this fee.
- Occasionally, additional fees may arise if after we've issued the building consent, there are changes to the proposed building work that require an amendment to be lodged; or additional inspections required. (e.g. cancelled bookings and re-inspection on failed work)

## *Fees all applicants pay*

### **Find out which fees all applicants have to pay**

Other fees that may apply:

- Additional fees may apply depending on the type and value of your consent.
- Building Research Association of New Zealand (BRANZ) Levy - If the value of your consent is \$20,000 or more, a BRANZ levy of \$1.00 for every \$1,000 and of the part thereof will be charged.
- Ministry of Building, Innovation and Employment (MBIE) Levy - If the value of your consent is \$20,444 or more, a MBIE levy of \$1.75 (including GST) will also apply for every \$1,000 or part thereof.
- Development contribution may be applicable based on the activity of the consent.

Please note: If you withdraw your consent, you will be liable for any processing fees incurred to date.

## *Other types of applications & their fees*

Other application fees associated with your building work such as getting a PIM or certificate of acceptance, a building warrant of fitness, or needing an independent qualified person, a building warrant of fitness or swimming pool fencing inspection.

### **Project value & building level**

Your building consent fees are made up of several components, including a combination of the project value and the level of building involved.

Building services fees and charges guidance

Link: [Building Services Fees and Charges Guidance](#) (PDF, 200KB)

## **Compliments, Complaints and Determinations**

Below are questions and answers related to Compliments and Complaints. Please contact us if you have any further enquires.

## *What if you want to raise a concern about our service?*

Feedback, both positive and negative, provides the Council with a first-hand account of your views and experiences and can highlight areas we might otherwise miss. Feedback encourages our team to review our processes and service, to make appropriate improvements for our customers.

Council has a procedure to help you when you decide to make a complaint about our actions and behaviours. This makes sure that your concerns are dealt with fairly and consistently, and that all parties to the complaint feel heard, understood, and respected.

### **Procedure**

Compliments or complaints can be made by filling our Online Feedback Form, by contacting us via telephone, email, letter, or over the counter:

- Fill Online Feedback Form
- Telephone: (03) 4330300
- Email: [service@waitaki.govt.nz](mailto:service@waitaki.govt.nz)
- Letter: PO Box 50058 Oamaru 9400
- In Person: 20 Thames Street (it is good to phone first so that we can make sure that you speak with the right person).

Please ensure that you include adequate details of your feedback, including your contact details. Acknowledgement of your complaint will be sent within 3 working days and we expect to consider and respond to your complaint within ten working days.

Related document: Compliments and complaints policy (PDF, 564KB)

When should you complain?

- You believe we have failed to provide you with satisfactory service
- You are dissatisfied with a policy or a decision that we have enforced
- You are unhappy with the behaviour or attitude of an employee.

When is a complaint not appropriate?

- The issue is before a Court or Tribunal, or the Court or Tribunal has already made a decision
- You ask us to reconsider a complaint when we have already given you our final decision
- When you refuse to give your name. Council does not receive anonymous complaints. We have strict guidelines around confidentiality, and we do not give out your details without your permission.

### **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 will be responded to within 10 working days. If you are still unhappy or choose to use an alternative route to settle a matter of doubt or dispute, you may apply to the Ministry of Business, Innovation & Employment for a Determination. Visit [www.building.govt.nz](http://www.building.govt.nz) for further information on this service.

## *Determinations*

A determination is a binding decision made by the Ministry of Business, Innovation and Employment. It provides a way of solving disputes or questions about the rules that apply to buildings, how buildings are used, building accessibility and health and safety.

Most determinations are needed because the person applying for the determination disagrees with the Council about the decisions that the Council has made about a building or associated provision.

In these cases, the parties to the determination are the building/landowner (even an affected neighbour) and the Council.

All parties to a determination are treated equally.

You can ask for, or be involved as a party to a determination, if you are:

The building owner or the owner's agent,  
The Council that issued the building consent

The owner of other property when the determination is about the protection of that property (e.g. the potential spread of fire from one property to another, surface water run-off or land stability),

A government Ministry or Crown agency that has a statutory duty under the Building Act, such as Fire and Emergency New Zealand (FENZ),

Anyone with a direct interest in the problem or question if it has to do with access and facilities for people with disabilities.

The Ministry can initiate a determination where it believes it is necessary to achieve the aims of the Building Act. The Ministry may ask other people or organisations to become involved if necessary.

However, a Determination can be applied for by the Council itself or a neighbour who is affected by building work. A determination can be about building work that is planned, partly done, or completed.

The Ministry of Business, Innovation and Employment charges a fixed fee for determinations. These are in two categories:

- Single houses, attached houses, flats and apartments up to four units, and garages and sheds,
- All other buildings.

More information and how to apply for a determination can be found on MBIE's [website](#).