

# Do I need a Building Consent?

## Work Needing a Building Consent

A Building Consent is required for all work involving construction, alteration, demolition and maintenance of new and existing buildings. This includes:

- Swimming pools and their fences, and spa pools with water depth of more than 400mm
- Retaining walls higher than 1.5m or that are load bearing (e.g. driveway or building)
- Garages and carports
- Structural building: alterations, extensions, re-piling e.g. Opening up a wall within a building, whether load bearing or not. (Note alterations trigger a requirement to upgrade the means of escape from fire and access & facilities for disabled people, if relevant. Check with your Building Consent Authority).
- New buildings
- Decks, platforms or bridges more than 1m off the ground
- Pergolas, fences (higher than 2m)
- Plumbing and drainage work (except repairs) e.g. A new or relocated plumbing fixture such as a toilet or hand basin.
- Electrical and gas fitting work if:

- The work relates to a Compliance Schedule item as contained in Section 44 of the Building Act 1991.
- A modification / waiver from the Building Code or any Approved Documents, has been requested for the Energy Work.
- The owner/agent chooses to include Energy Work in the Building Consent.
- Heating including fireplaces, ventilation and air-conditioning systems
- Lifts
- Demolition of a building
- Relocation of a building
- Change of use of a building, e.g. garage to sleepout, warehouse to apartments or a house to restaurant.
- Sheds greater than 10 square metres in floor area
- Commercial trade waste disposal
- Building over Council wastewater and stormwater pipes

### **Work not needing a Building Consent**

There are some works that may not need a building consent. These are listed in the Building Act 2004.

Some of the main exemptions are:

- Decks under 1 metre high
- Fences under 2 metres high, except fencing around a swimming pool, or spa area
- Retaining walls under 1.5 metres high, but only if they retain soil and are non-load bearing. Consent is

required if a driveway, building or similar sits on top of the wall

- Sheds, and other similar buildings that meet all the following conditions: Under 10m<sup>2</sup>, Located at least the height of the shed away from a boundary, and/or house, has no toilet or similar plumbing fixture and is non habitable
- A re-roof provided the replacement roof is a similar material, and the roof structure does not need replacement, or modification
- Routine maintenance

If there are any other building works that you feel should be exempted from a building consent, please write to us, stating your reasons why you think the work should be exempted, and we will consider this.

**Please Note:** Any exempted work, must still be carried out in compliance with the building code. If in doubt, as to compliance, please check with your merchant or building contractor

## **What happens if work has been done without a Building Consent?**

You may:

- Receive an infringement notice and be fined
- Receive a Notice to Fix and make the work compliant; or
- Have to remove all illegal work
- Have trouble selling the property or getting insurance payouts

You can apply for a “Certificate of Acceptance”, for any work completed without a building consent if the work was carried out urgently

- for the purpose of saving or protecting life or health or prevent serious damage to property; or
- in order to ensure that a specified system (e.g. fire alarms and sprinkler systems) is maintained in a safe condition or is made safe.

### **How do I apply for a building consent?**

- Get the Building Consent Application form from your Council Reception.
- Complete the application and submit it to the Building control authority at your council for assessment (20 working days to process)
- No physical work can be started until the Council has granted a Building Consent. If you start to build before this, you are liable for a fine.
- The work must be started within 12 months of consent being granted, unless an extension has been agreed to. After this period, the consent will be lapsed and the owner will have to reapply before work can commence.
- The work needs to be completed within 2 years.