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Kaipara te Oranganui • Two Oceans Two Harbours

Consumer Information

Project Information Memorandum (PIM)

Building Consent

Inspections and Building Work Certification

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The Building Act:

The Building Act 2004 provides for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards, to ensure that:

- people who use buildings can do so safely and without endangering their health; and
- buildings have attributes that contribute appropriately to the health, physical independence, and wellbeing of the people who use them; and
- people who use a building can escape from the building if it is on fire; and
- buildings are designed, constructed, and able to be used in ways that promote sustainable development.

To achieve this purpose, the Act requires anyone proposing to do building work to obtain a Project Information Memorandum (PIM) and a Building Consent from a Building Consent Authority (BCA) before commencing building work.

Who Administers the Building Act?

The Ministry of Business Innovation and Employment ([MBIE](#)) is the Government Department responsible for administering the [Building Act 2004](#).

What is a Building Consent Authority?

BCAs are regional or Territorial Authorities or private organisations registered under [section 273](#) of the Building Act 2004, and are responsible for performing building control functions under Part 2 of the Act.

Kaipara District Council is a local Territorial Authority that has been accredited as a BCA; herein referred to as Council.

What is a Project Information Memorandum (PIM)?

A Project Information Memorandum (PIM) is a memorandum issued by the Territorial Authority (Council) under [section 34](#) of the Act and sets out information relevant to your building work.

- The information is provided on a prescribed form and is required to include all such information known to Council which may be relevant to the proposed building work or site. This includes potential for:
- erosion;
- avulsion (removal of land by water action);
- falling debris;
- subsidence;
- inundation (including flooding, overland flow, storm surge, tidal effects, and ponding);
- slippage;
- alluvium (the deposit of silt from flooding); and

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- the presence of hazardous contaminants which are likely to be relevant to the design, construction or alteration of your proposed building which are known to Council.

Details of stormwater or wastewater utility systems which may relate to your project or site will also be included (where applicable).

A PIM also identifies any additional approvals required such as:

- Resource Management Act;
- New Zealand Historic Places Trust (heritage buildings / sites); and
- New Zealand Fire Service Commission

The PIM also includes:

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

- other necessary authorisations being obtained.

A PIM does not give any form of approval under the District Plan or Building Act.

You would need to contact the Council Planner, or your own planning adviser, to determine whether 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.

Do I need a PIM?

Obtaining a PIM is voluntary, however information provided in a PIM may be useful when designing your project. Council recommends that you apply for a PIM prior to the application of a building consent. A PIM can be applied for separately or in conjunction with your Building Consent.

How to apply for a PIM

An application for a PIM is recommended to be made using the AlphaOne [online system](#). This is accessed via Kaipara District Council Website. However, a paper application form may also be used and must be made on the [PIM and/or Building Consent Application \(Form 2\)](#), which is available from our Council office/s or our website under the section “APPLY FOR IT”, A-Z FORMS, Building. This form must be completed in full, signed and dated before being submitted.

It is likely that early in 2019 the BCA will only accept online applications for PIMs and Building Consents.

Documentation required:

All applications must be accompanied by one copy of:

- site plan;
- floor plan;
- building elevations;
- Working drawings including foundations, cross-sections etcetera; and
- Certificate of Title along with any consent notices associated with the title

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- Supporting documentation such as from Geotechnical and/or Chartered Professional engineers
- Technical specifications for products used with appropriate supporting documents

How long does it take?

Council is required to issue the PIM within twenty (20) working days of application being received, however, depending on workloads, this may be earlier.

NB: Providing all fees are paid, the PIM will be sent to the applicant when it is issued. If the PIM is applied for with the Building Consent the timeframe for the issue of both is 20 working days.

Sometimes it may be necessary for Council to obtain further information from you to enable your PIM processing to be completed. In such cases the Council will contact you with a formal request for further information.

What is a Building Consent?

A Building Consent is the formal approval issued by a Building Consent Authority (BCA) that certain works meet the requirements of the New Zealand Building Act, Building Regulations and Building Code.

You cannot undertake any building work that requires a Building Consent without this approval. Most building work requires a Building Consent but some minor work is exempt under the Act.

When is a Building Consent required?

Note: There are some exceptions to the examples given below. Please refer also to Schedule One of the Building Act for information on building work that is exempt from the requirement to obtain a building consent: [Schedule 1: Building work that does not require a building consent | Building Performance](#)

A Building Consent is required for most work including:

- swimming pools, spa pools and some fencing
- retaining walls over 1.5 metres (no surcharge);
- retaining walls any height incurring a surcharge;
- decks over 1.5 metres high;
- pergolas that have roofing material fixed (no limits otherwise);
- free-standing non-habitable buildings larger than 10 square metres;
- plumbing and drainage work;
- partial demolition (see exemption 30 for Demolition that does not require a consent);
- relocation of buildings onto permanent foundations (a building consent is not required to relocate a building onto temporary foundations until a formal consent application is made for the building to be used as a dwelling, furthermore, customers are advised to check Planning rules as this is not to be considered as Planning approval.

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- Note: the building must not be used for habitation until it has been legally certified by Council
- additions, alterations to existing buildings other than what is exempted under schedule 1 (see link above);
- new buildings;
- change of use (may include an increase in occupant numbers);
- heating including fireplaces;
- ventilation and air-conditioning systems (commercial).

Building work that does not require a Building Consent (exempt)

The New Zealand Building Code 2004 Schedule 1 provides a comprehensive list of building work that does not require a building consent (exempt).

Please click on the link below to Schedule 1: [HERE](#)

There is also the provision in Schedule 1, Section 2 called 'Territorial & Regional Authority Exemptions'.

Under this section Council may exercise discretion and consider an exemption application from the requirement for a building consent where the proposed work is not contained in the list as a particular exemption.

'If the proposed scope of your building work is marginally beyond the scope of a particular exemption, we suggest that you consider applying to the Council for an 'exemption 2'. The council can then exercise its discretion as to whether or not it will require a building consent. Before doing this, we recommend that you talk to the council to gauge whether or not it is prepared to exercise its discretion under exemption 2 on your project' – MBIE Guidance.

Application forms for 'discretionary exemptions' are found on Kaipara Council Website Building Information 'forms'. However, we recommend that you contact Customer Services in the first instance and log a service request for a building officer to call you back and discuss the work and whether the proposal could be considered as an exemption.

'All building work must comply with the NZ building code to the extent required by the Building Act, whether or not a building consent is required for that work'. Section 40 Building Act 2004

How long does it take to get a Building Consent?

Building Consent processing time depends on the complexity of your project and whether or not you have provided us with sufficient and information that demonstrates compliance with the NZ Building Code.

All Building Consents are required to be approved within 20 working days, however; if information is deficient the statutory time clock is stopped and a formal request will be made for further information (RFI). The statutory time clock is not restarted until the requested information is received in full.

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It is possible that your Building Consent application requires checking by several disciplines; therefore, the clock may be stopped on more than one occasion.

How do I apply for a Building Consent?

You are advised to [apply online](#) to take full advantage of the BCA's online consenting system. Applying online will give you the opportunity to take full advantage of this system. It provides visibility on the current status of the application as well as the ability to apply for Code Compliance Certificate online when the building work is completed.

You may still apply using the slower paper application process and if so need to complete [a PIM and/or Building Consent Application \(Form 2\)](#), which is available from our Council office/s or our website under the section "APPLY FOR IT", A-Z FORMS, "Building", "Application Forms" [PIM/BC application form](#), and referencing the appropriate [Checklist Form for Residential](#) or [Checklist Form for Commercial](#), and provide information that is relevant to your building project.

Please note that early in 2019 Council will only be accepting online Consent applications. Customers will be advised beforehand of this time.

Restricted Building Work and Licensed Building Practitioners

From 1st March 2012 the Licensed Building Practitioner scheme was enacted under the Building Act 2004.

Restricted Building Work is residential design, construction or alteration work that

- requires a building consent
- and involves or affects a home's:
 - primary structure;
 - weather tightness
 - certain fire safety design

For a full explanation of this law please refer to the MBIE web page: [Use Licensed people for restricted building work](#).

A Certificate of Work from a Licenced Building Practitioner who holds the appropriate design licence is required to accompany all residential applications that involve [Restricted Building Work](#) (RBW). The only exception to this is if you wish to apply as an Owner Builder. There are strict rules around this however, and remember that Council is not an educator to teach the complex language of building law. Neither is Council authorised to provide design advice.

It would be an advantage to provide details of the Licensed Building Practitioners (LBPs) to be used for each stage of the project i.e. Foundations, Carpenter, Brick/Blockwork, Roofer, and External Plasterer.

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However, it is understood that not all this information will be known at the time of consent application. Nevertheless, it is a building act requirement that no work is to start prior to notifying the BCA of the LBP undertaking RBW.

Please see link from MBIE for [Owner Builder Advice](#). Please also remember that this application option is also available using Alpha-one system online so again no paper form is required.

Forms can also be obtained from:

- our website, or
- Council offices at:
Unit 6, 6 Molesworth Drive, Mangawhai 0505, or 42 Hokianga Road, Dargaville 310.

On receipt of your application, our Technical Services Team will vet your plans to ensure all relevant information has been provided.

Please note: this is not a technical assessment but merely a check to ensure all necessary information has been provided.

On receipt of your application at the Mangawhai Office where applications are processed, the 20-day statutory clock will start however, any requests for further information at Vetting will stop the clock and when all necessary information is satisfactorily provided along with your fees, the clock will reset to day one. If your application is declined, it will be returned to you with a list advising why, and information that is still required.

Applications that are required to be sent to Fire and Emergency NZ (FENZ)

Under Section 46 of the Building Act 2004 the BCA is required to send certain applications to Fire and Emergency New Zealand (FENZ) Design Review Unit (DRU) for review under the Fire Service Act. Where this occurs the DRU have 10 working days in which to provide their feedback / memorandum to the BCA.

The memorandum issued by the DRU will set out their advice in regard to provisions for means of escape from fire and the needs of persons who are authorised by law to enter the building to undertake fire-fighting.

Types of applications that are required to be sent are detailed at

<https://gazette.govt.nz/New Zealand Gazette>

How long is my Building Consent valid for?

Building Consents are valid for 12 months from the date of issue. Work must have commenced within the 12 months or the Building Consent shall lapse requiring a new application. However, you may apply for an extension of time to 'commence' work. Please note that extensions of time for building work to start can only be made prior to the 12 months' expiry date.

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Please note: These cannot be processed after this date and a new application will be required.

All building work should be completed within two years from the date that the Building Consent was granted. If the project has been delayed, Customers may apply for an extension to this time. An Extension of time application form is available from our Council office/s or our Website under the section “APPLY FOR IT”, A-Z FORMS, “Building”, “Application Forms”, “[Extension of time to commence or complete building work](#)”.

What sort of Information do I need?

Building Consent applications can be complex; a designer who is a licensed building practitioner will have the knowledge and experience to provide the BCA with the required application details.

Each application must be accompanied by:

- one set of plans and specifications maximum size A3
- if applicable, one set of engineering calculations, maximum size A3, accompanied by Producer Statement Design PS1 from a Chartered Professional Engineer;
- one set of wall bracing calculations maximum size A3 and, if applicable, a Producer Statement Design Review PS2 from a suitably qualified Chartered Professional Engineer;
- if applicable, an E2 risk matrix (demonstrating weather tightness features); and the application fee.

For more detailed information refer to the Building Consent checklist, which is available on our website under the section “APPLY FOR IT”, A-Z FORMS, “Building”, “Application Forms” [Checklist Form for Residential](#) or [Checklist Form for Commercial](#), identifying more detailed information.

However, it is highly recommended that all consent applications are made online using the AlphaOne application checklist. This is found on Councils website [AlphaOne](#)

How much will it cost?

Please refer to KDC [Fees and Charges](#) which is available on our website under the section “PAY IT”, “Fees and Charges”.

Please also refer to KDC [Development Contributions Policy](#) which is available on our website under the section “FIND IT”, “A-Z Services, Forms and Documents”, “Policies”, “Development Contributions Policy”.

How do I lodge an Application?

You can lodge your Building Consent in person, via post or preferably [online](#). Your application will be formally accepted for vetting the next working day after the application has been received at the Mangawhai offices (subject to all information and fees being provided).

How is my Application processed?

All applications regardless of how they are received are put through a formal vetting process. The vetting process is not a technical check but merely a check to ensure all information has been provided. Your application may be rejected at this time if insufficient information has been provided.

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Once the application has been vetted it is then receipted, entered into our processing system and allocated a unique identifier, (i.e. your Building Consent number).

The application is then allocated and circulated to the various disciplines within Council for processing, (i.e. planning, engineering, building, water, drainage etcetera).

The consent application including all accompanying specifications and supporting documents are assessed for compliance against the Building Act 2004 which includes the NZ Building Code. The Building code contains a series of clauses that are referenced to the specific part of the building e.g. 'B1 Structure or 'E2 External Moisture'. [Building Code compliance](#)

The application must demonstrate compliance 'on reasonable grounds' with all the relevant sections of the Act and Building Code at which time the building consent will be issued.

Specialist Input is often required (typically structural or wastewater engineers) and will be charged at cost plus 10% in accordance with KDC [Fees and Charges](#).

Each discipline will review your application and assess it for compliance. If there are any questions or concerns an email will be sent to you requesting further information (RFI) or clarification.

It is important you respond to the RFI by replying directly to the email sent to you. This will send your reply directly back into your electronic consent application and to the processor who is working on it.

When a request for further information (RFI) is sent the 20 working day time clock is stopped and processing is suspended until this information is provided.

Once all disciplines are satisfied that compliance is achieved, a final check is made to ensure all work has been assessed correctly. If satisfied, the time clock is stopped by the granting of the Building consent. Granting the building consent means the BCA processing officer has been satisfied on reasonable grounds that if the building work was completed in accordance with the plans and specifications the building would comply with the provisions of the NZ building code

You will be notified of any outstanding fees at the point when we are satisfied that Building Consent may be issued or refused. When these are paid Building Consent will be issued, in most situations the initial fee will cover all costs.

If we consider that the Building Consent cannot be granted, we are required to refuse to issue consent. This does not alleviate the requirement to pay any outstanding Building Consent fees.

Unfortunately; having a Building Consent does not necessarily mean that construction may start. In some cases, other permissions (for example: Resource Consent) may firstly need to be obtained. Such conditions will be notified on your PIM or Building Consent on 'Form 4' and is called a 'section 37' notice.

Important sections of the Building Act 2004

Please refer to the NZ Building Act in the stated sections for detailed information and requirements regarding the following subjects: [Building Act 2004](#)

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- Alterations to existing buildings – section 112
- Change of Use of a building – section 115
- Extension to the 'specified intended life' of a building – section 116
- Subdivision of an existing building – section 116A
- Earthquake Prone Buildings – section 133AA – 133AY also the summary on Council web and:
- [Managing Earthquake-prone buildings](#)

Building on Land that is subject to Natural hazards

It is very important to identify early whether the land you are proposing to build on is subject to a natural hazard. The Building Act 2004 has specific rules that the BCA is required to follow and may affect the design proposal or even cause the BCA to decline the application.

The types of hazards are specified under section 71 of the Building Act 2004 and include:

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

The BCA must refuse to grant a building consent under section 71 unless the BCA is satisfied that adequate provision has been, or will be made to –

- protect the land, building work, or other property affected from the natural hazard or;
- restore any damage to that land or property as a result of the building work

If the BCA is unable to issue a consent under section 71 it may consider section 72:

72. Building consent for building on land subject to natural hazards must be granted in certain cases

Despite [section 71](#), a building consent authority that is a territorial authority must grant a building consent if the building consent authority considers that—

the building work to which an application for a building consent relates will not accelerate, worsen, or result in a natural hazard on the land on which the building work is to be carried out or any other property; and the land is subject or is likely to be subject to 1 or more natural hazards; and

it is reasonable to grant a waiver or modification of the [building code](#) in respect of the natural hazard concerned.

If the BCA issues a Building Consent under section 72 it must also notify the consent to the Registrar-General of Land. Simply put the hazard will be registered on the title. This may have insurance and financial implications so the earlier this is detected and defined the better.

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Please refer to the Building Act 2004 sections 71 – 74 for detailed information:

<http://legislation.govt.nz/act/public/2004/0072/latest/DLM306822.html>

Building across a boundary

If you own two lots and you intend to build across the boundary of the second lot the Building Act section 75 is applicable. Council is required to issue a certificate to the Registrar General of Land signed by the owner of the land. The certificate requires that the affected lots must be sold together.

The only two exceptions of this requirement are:

- If a Party wall (fire rated to the required level) is installed on the affected boundary
- If the Registrar General of Land has granted an exemption

Please refer to the Building Act sections 75 – 80 of the Building Act 2004 for details:

<http://legislation.govt.nz/act/public/2004/0072/latest/DLM306828.html>

How will I be notified?

When your application is ready for issue (or refused issue) and all fees are paid, your Building Consent will be posted, or sent electronically to the contact person nominated on the application form.

Please note that from early 2019 the BCA will no longer be printing Building consents and the applicant will be responsible for this. Customers will be advised of the date this will start.

If there are outstanding fees, then you will receive an invoice advising you that your Building Consent is granted and may be issued when all fees are paid.

If your application has been refused, then you will be formally advised with reasoning for this.

What are Building Consent Conditions and/or Advice Notes?

There may be conditions and/or advice notes imposed on your Building Consent which are deemed necessary to ensure compliance.

There are always certain 'Advice notes' and often 'conditions' that are included with your building consent. It is very important that you read these and comply with them.

The **conditions** will be based on certain sections of the building Act 2004 such as:

- section 67 – when the consent is subject a waiver or modification to the building code
- section 71 -73 – when the land the building is on is subject to a natural hazard
- section 75 – when the proposed building is constructed across a boundary
- section 113 – when the specified intended life of a building has been reached

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- section 90 – that the building work is subject to inspections including professionals such as Chartered Professional Engineers or registered surveyors to confirm that the building work complies with the building consent. See also ‘the inspection process’ below.

The ‘advice notes’ are various other requirements that the BCA needs to assist in making compliance decisions such as commissioning statements for specified systems or wastewater systems etc.

It is important that you read and understand all conditions and/or advice notes before commencing work. If you do not understand any condition and/or advice note, then please contact us to discuss these.

What is a Producer Statement?

For information on Producer Statements please go to:

<https://www.engineeringnz.org/resources/producer-statements/>

What if I want to make changes to the application before the consent is issued? i.e ‘minor variations’ or ‘amendment’s.’

Note: If the consent has not been issued any changes whether minor or major are not ‘changes to the consent’ since it has not yet been issued. It is rather changes to the ‘application.’

If the proposed changes were applied for ‘after’ the consent is issued, the changes are ‘minor variations’ or ‘amendments’ to the ‘consent.’

If the processing of the application has not been completed and you want to make changes, you must contact the processor and discuss the proposed changes as soon as possible.

The processor must determine what effect these changes would make on the application. The changes may be quite simple and only require superseding minor details. However, if the changes are significant or differ substantially from the originals, a new application may be required. This could depend on how far the processor has advanced with the original application.

Other considerations must be:

- Whether the proposed changes require re assessment in terms of value of work i.e. fees & charges including BRANZ, MBIE levies and Development contributions.
- Whether the proposed changes affect the District Plan therefore Planning may need to review the proposed changes.

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The Inspection Process

What inspections do I need?

During processing of the Building Consent Application we will determine what inspections will be necessary to enable us to be satisfied on reasonable grounds that compliance will be achieved. Each inspection will be identified along with the requirements for that particular inspection. A list of inspections will be attached to your Building Consent. The type and number of inspections required for your project will be listed on your approved Building Consent document.

Please note that this is a guide only and there may be more or less inspections required. The inspector will determine this and may amend as required. If you have any concerns, please discuss with the inspector on site.

A responsible person must be on site to meet the inspector unless agreement has been made otherwise. In most cases there must be someone on site that is responsible for the work and is able to answer questions.

The inspector will assess the building work against the issued consent and specifications for compliance and these must be made available to the inspector. The products, systems and methods that were consented must have been used and the plans and specifications will be carefully checked for compliance with the issued consent.

Please ensure that the site is made safe and accessible for the inspector including compliant scaffold where required, dogs are under control, and that the building work related to the inspection has been completed in accordance with the consent and ready.

One of the very first requirements is to establish that the location of the building is in accordance with the consent. This can be done by having a minimum of 3 registered survey pegs, however, the lines must be strung accurately and be easily measured to the building. A survey certificate is often required that must state the building is set out in accordance with the consent.

Changes to the consent (Minor Variations or Formal Amendment)

Minor Variations

Section 45A of the Building Act 2004 describe Minor Variations to a building consent and the law that applies.

MV's (Minor Variations) are not required to be on a prescribed form and the inspector may nominate to simply record this as a not on the consent documents, signed and dated. He will then photograph this with the Tablet to capture the MV within the Consent records.

However, some MV's are more detailed such as when it involves RBW. If this is the case Council require certain documentation to complete the paperwork. For example:

RBW requires a COW from a designer so a new variation. If the variation to the design involves an CPEG he is regarded as an LBP and will provide a COW as well as a plan of the alteration.

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So depending on the scope of the proposed MV we may need any of the following:

- Minor variation form (see attached or obtain from inspector)
- C.O.W if the alteration involves RBW (CPENG, registered Architect, or LBP designer)
- Detail of proposed alteration
- Owners signed request or authorization for product substitution. (this is import when a product differs from what is consented)
- Inspectors authorization of the MV proposal (he will assess whether the MV is not actually a formal amendment which if it is, the MV will be declined)

Minor Variations are normally assessed on site and it is appropriate to discuss the proposal with the inspector. If he declines the MV and decides that a formal amendment is required, no work is allowed to proceed until the amendment has been processed and stamped plans are issued. If work has been done, an amendment cannot be issued and enforcement action is likely to proceed which will include an application for a C.O.A (Certificate of Acceptance).

A rule of thumb is if the MV can be assessed on site by the inspector and satisfy him that the work will comply with the Building Code, this is likely to meet the test.

However, if the proposal involves research or uncertainties, this is likely to be a formal amendment requiring processing.

No work should proceed until authorization has been received from the inspector.

Please refer to the link below that provides guidance from MBIE for assessing MV's and the differences between these and amendments.

[Minor variations guidance | Building Performance](#)

Amendments

An amendment to the building consent is treated the same way as the initial building consent application and the same rules apply. This is not a 'minor variation' and must be formally submitted to Council for processing in the same way as the parent consent. Not work it to be undertaken until Council has issued the approved amended consent.

Although the statutory timeframe of 20 days to process the application also applies, we try to give a high priority in processing amendments since these proposals can often hold up work on site.

If there is any doubt as to whether a proposed change is a minor variation or an amendment either, discuss with an inspector on site, or contact customer services and request to speak with a building inspector.

If the work has already been completed, Council cannot process an amendment as this would be in breach of section 40 of the Building Act 2004 'A person must not carry out building work except in accordance with a building consent'.

TYPICAL INSPECTIONS

The types of inspections typically required to be undertaken to determine compliance with the issued building consent are:

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Note: In general, the inspector will carefully check whether any engineers were required to certify any work. This is usually associated with special engineering design. The site notes must be available to the inspector to confirm approval. If these are not, while the inspection may proceed, it will fail and an inspections block will be added to the consent until the required document has been forwarded to Council. After confirming this, the block will be removed and inspections continue.

- Foundations – siting confirmation is required which may be either registered boundary pegs, a minimum of 3 (forming a right angle) alternatively a registered surveyors certificate that confirms the location of the building. The inspector will check the ground that it is firm (using a spear), that the trenches, or holes are clean, water removed, clearances to reinforcing, lapped, tied and clean; any damp course is well taped and continuous.
- Under slab plumbing – for raft slabs this is normally the first inspection, therefore the siting requirements (as above) are required. Drains under slab will be checked for correct fall, bedding, pipe sizes, priming used in joins and the pipes must be tested for leaks by either water or air test etc.
- Slab – As above siting must be confirmed if not previously done. Layout of slab, any thickenings, DPC, blinding under DPC and reinforcing including mesh and bar chairs etc.
- Blockwork – Blocks will be checked for reinforcing including any bond beams, cover, sizes, lintel linkages etc. Washouts are required over 1.2 meters high and must be visible and clean from debris etc.
- Framing (pre-wrap)- This is a big inspection and all aspects of framing will be inspection including, framing sizes, treatment, structural grade, lintels, beams, point loads, general layout of bracing and uplift fixings. The truss plan must be available to check all roof framing details. If there are any concerns with regard to boundary proximity a height in relation to boundary surveyor's certificate may be required.
- Post-wrap/ Cavity – This inspection will check all weather tightness details including, building wrap used, cavity baton size, type, treatment & fixings, junctions, flashings, penetration protection etc.
- Pre-line – This inspection is the last to confirm the internal linings can be installed. Items inspected will include checking around the building to ensure it is weather tight, insulation, moisture content (this is usually 18 % due to plasterboard level finish 4). If the consent was for alterations or additions, sometimes this inspection is incorporated with the framing inspection.
- Postline – this inspection will check all bracing fixings as well as wet areas that have tile substrate. Please ensure whatever substrate is used that the fixings details specified have been followed.
- Membrane (internal) – This inspection will check the pre tiling waterproofing system used, coverage, bond breaker tape, penetration protection including waste protection.
- Membrane (external) – this inspection is regarded as high risk and items checked will be consented system, installers certification documentation, good coverage & clean, joins well sealed including penetrations, drainage that is required at base etc.
- Plumbing & drainage in general – these inspections include preline plumbing, underslab plumbing (see above), The similarities of these are with regard and include, primer used on all joins, test for leaks (water or air test), pipe sizes, good bedding (usually gap 7 or sand – refer to consent) and laid straight with correct gradient.
- Final inspection – This inspection is a gathering up of all required documentation, checking all previous inspections are passed, ground levels, cladding sealed and painted, driveways formed with correct fall to

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cess pits, wastewater systems installed as per consent, gutters, downpipes, cladding penetrations sealed; internal layout as per consent, all plumbing fixtures trapped, fixture to wall seals, shower not leaking, smoke alarms in correct positions etc.

Inspections by Others

Sometimes it is necessary for specialists to conduct inspections in addition to the inspections carried out by Council. If a specialist inspection is necessary these will normally be identified on either the Conditions of Consent, Advice notes or Endorsements attached to your Building Consent.

Typically, these types of inspections may involve having a geotechnical engineer confirm ground stability, or having an aspect of specific structural design checked by a registered engineer. Inspectors will require specific site notes by the professional at the time of the inspection. If these are not available at the time of inspection a block on further inspections will be placed and you must provide the required documentation to Council before the block is removed. Whether the inspection at the time can proceed is at the discretion of the inspector. A Producer Statement Construction Review (PS4) will be required from above-mentioned engineers before Code Compliance Certificate can be issued.

Please ensure you read inspection requirements as well as associated conditions and are familiar with them before commencing work.

How do I book an Inspection?

Building inspections are booked through the Customer Services Team on 0800 727 059 (do not contact the building inspector directly).

Inspections are undertaken by appointment only.

You will be required to provide us with the following information when booking an inspection:

- Building Consent number;
- site address;
- name and telephone number of contact person onsite;
- date and time the inspection is required (am/pm); and
- type of inspection i.e. plumbing, drainage, foundation, pre-slab, pre-line etcetera.
- Licensed Building Practitioner (LBP) details for any applicable Restricted Building Work (RBW)

Building Inspection times in Kaipara

Note: approx. 75-80% of building work is done in the Eastern area (i.e. Mangawhai). For this reason, the BCA has had to allocate resources accordingly with limited days for Central and Western areas. To alleviate this inconvenience, we have made a rule that the 48-hour notice does not apply to Central and Western areas. Inspections may be booked right up till 3 pm the day before.

- Eastern (Mangawhai) 5 days per week with 48 hours' notice required
- Central area – 3 days per week – Mon, Wed, Fri. –bookings taken up to 3 pm the day before.

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- Western area (Dargaville) -2 days per week-bookings taken up to 3 pm the day before

How do I know if the inspection has been passed?

For an inspection to take place the approved Building Consent documentation is required to be onsite.

Please note: *If the inspector arrives onsite and the documentation is not available he will not undertake the inspection. We may, however, charge you for our visit. Please remember therefore that it is your responsibility to ensure the inspection is cancelled the day before if the building work will not be ready for inspection.*

At the conclusion of each inspection the outcome will be recorded on the inspection report, completed and emailed to the applicant's nominated recipient address.

If a copy of the inspection report is desired by any site personnel, the applicant must be contacted by the site personnel for this as the inspector is unable to add a new recipient to the email.

If the consent was issued prior to May 2014, triplicate Field Advice Notices will be used with one copy left onsite showing the checklist, result and any further requirements.

For consents lodged after 01 May 2014 the inspections completed will be recorded on the electronic AlphaOne system. The result and any further requirements will be emailed to the applicant/agent.

What if the inspection has not been approved?

If an inspection is failed, this could be due to either the work was not completed in accordance with the approved consent or that the work was not completed to a satisfactory stage to be inspected. The work to be rectified will be recorded on the inspection report under 'Formal Directive.'

The inspection report issued for failed inspections should clearly identify what has failed and precisely what is required to rectify the work.

In most cases another inspection will be required to re-inspect the work and the inspection report will state either 'a re-inspection is required' or 'no re-inspection is required'.

The inspection report will contain all the information you need to know. Should anything be unclear please feel free to call Customer Services and log a request for clarification. A building inspector will review the inspection report and contact you back within 48 hrs to clarify.

Please note: Re-inspections may be charged for.

If the work is not remedied to the satisfaction of the Building Inspector, it is likely that a Notice to Fix will be issued.

What is a Notice to Fix?

A notice to fix is a statutory notice requiring a person to remedy a breach of the Building Act 2004 or regulations under that Act. A notice to fix can be issued for all breaches of the Act, not just for building work.

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Where building work has been done under a current building consent, and a notice to fix requires remedial work to be completed, it will describe the work to be carried out.

For example:

- certain work is to be remedied
- the specified person is to consult with a qualified person (for example, an engineer)
- the specified person is to apply for an amendment to the building consent detailing the design changes provided by the consulting engineer
- no remedial work is to be undertaken until the building consent is granted.

If a Notice to Fix is issued, you are required to address the issues identified within a prescribed timeframe to prevent further action being taken.

If any building work has been undertaken without a consent, for which one was required, a NTF will be issued and the work must cease with the exception of when the site or work needs to be made safe.

Enforcement of Notices to Fix is undertaken by the Territorial Authority (Council). For more detailed information regarding Notices to Fix please refer to MBIE link:

[Issuing notices to fix | Building Performance](#)

Do I need a Practical Completion Inspection?

Yes, all Building Consents require a Practical Completion Inspection (final).

Your consented building work should be completed within two years of the date that the Building Consent was granted.

If you cannot complete the work within this timeframe it is essential that you contact us to discuss. You may need to apply for an Extension of time application form, which is available from our Council office/s or our Website under the section “APPLY FOR IT”, A-Z FORMS, “Building”, “Application Forms”, [“Extension of time to commence or complete building work”](#).

If we do not receive advice of practical completion within two years of granting a Building Consent, then we will automatically make the decision to refuse issue of Code Compliance Certificate until we are notified that you have achieved Practical Completion.

When all work has been completed in accordance with the Building Consent a Code Compliance Certificate may be issued.

What is a Lapsed consent?

A building consent lapses and is of no effect if the building work to which it relates does not commence within

- 12 months after the date of issue of the building consent; or
- Any further period that the building consent authority may allow.

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KDC will only consider an extension of time prior to any lapsing of a building consent.

Applicants will be sent warning letters at least 1 month prior to any decision to lapse a consent.

A consent that has lapsed will not be considered for an extension of time.

What is a Code Compliance Certificate?

A Code Compliance Certificate is Council's verification that all works undertaken comply with the approved Building Consent. It is an important document and should be retained for future reference.

It is mandatory to apply for a Code Compliance Certificate after all work has been completed.

Council has 20 working days to decide whether to issue or to refuse to issue a Code Compliance Certificate.

Matters for consideration by building consent authority in deciding issue of code compliance certificate

A building consent authority must issue a code compliance certificate if it is satisfied, on reasonable grounds, —

(a) that the building work complies with the building consent; and

(b) that, —

(i) in a case where a compliance schedule is required as a result of the building work, the specified systems in the building are capable of performing to the performance standards set out in the building consent; or

(ii) in a case where an amendment to an existing compliance schedule is required as a result of the building work, the specified systems that are being altered in, or added to, the building in the course of the building work are capable of performing to the performance standards set out in the building consent.

(2) In deciding whether to issue a code compliance certificate, a building consent authority must have regard to whether a building method or product to which a current warning or ban under [section 26\(2\)](#) relates has, or may have, been used or applied in the building work to which the certificate would relate.

(3) If the owner fails to provide to a building consent authority an energy work certificate in relation to energy work in respect of which a building consent has been granted, the failure is a sufficient reason for the building consent authority to refuse to issue a code compliance certificate in respect of the energy work.

What are reasonable grounds?

The BCA carries out an assessment on site at the final inspection and inspects the building to ensure it has been completed to the extent specified in the building consent. The inspector will check that all previous inspections have been passed. Any documentation that the BCA requires to assist in making a decision whether to issue CCC must be provided. This will include any Energy certificates, LBP records or work, producer statements, as-built drainage plans etc. Commercial applications with specified systems will require certification documents that confirm these systems are working. Please refer to the consent conditions and advice notes.

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Please ensure an [application for a code compliance certificate](#) is made as soon as all building work has been completed and within 24 months of the granting of the building consent.

However, you may apply for an extension of time if you need.

If building work has started and 2 years have passed and no CCC application has been made or no extension of time has been requested the BCA will refuse the Code Compliance Certificate.

What is a refused Code Compliance Certificate?

A building consent authority must decide whether to issue a code compliance certificate for building work to which a building consent relates within—

- (a) 20 working days after the date specified in subsection (2); or
 - (b) any further period after the date specified in subsection (2) that may be agreed between the owner and the building consent authority concerned.
- (4) A building consent authority may, within the period specified in subsection (1), require further reasonable information in respect of the application for a code compliance certificate, and, if it does so, the period is suspended until it receives the information.

If a BCA decides to refuse to issue a code compliance certificate, it must give you written notice of the refusal and reason why.

For a detailed explanation of the Code Compliance Certification process please refer to MBIE link below:

[Issuing code compliance certificates \(CCC\) | Building Performance](#)

What about issuing Code Compliance Certificates for Building Consents issued under the 1991 Act or that have not been issued by Council?

Providing Council are satisfied the building work has been constructed to comply with the Building Code in place at the time of construction and has continued to meet the provisions of the Building Code, a Code Compliance Certificate may be considered.

If Council cannot be satisfied on reasonable grounds, a Code Compliance Certificate may be refused.

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Should Council refuse to issue a Code Compliance Certificate and you consider that this is not justified then you may wish to approach the Ministry of Business Innovation and Employment ([MBIE](#)) and obtain a Determination.

What is a Determination?

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

Although Determinations are generally sought because a building owner disagrees with Council about decisions made in regard to their building; a Determination can be applied for by Council or by a neighbour who may be affected by building work.

Applying for a Determination

Applications for [Determination](#) and the associated cost may be found on the ([MBIE](#)) website.

How long does it take to get the Determination?

The MBIE is required to issue the final Determination within 60 working days of receiving the application, or longer if agreed to by the parties.

The 60 working day period does not include time delays while waiting for information or comment from other parties - the 'clock is stopped' during these times. If you cannot provide the information by the date given, you may request an extension. The MBIE has the power to make the Determination if the information requested is not provided in reasonable time.

Building work that may need to be done before a Determination is issued

If you have been sent a Notice to Fix about work that is unsafe, you must comply with this notice. Otherwise, Council cannot require you to carry out building work related to the Determination unless the MBIE agrees this is necessary.

Consumer rights and remedies in relation to residential building work – Section 362A – 362V (Contracts)

The building act contains certain consumer protection provisions relating to contractual obligations required of the building contractor. These provisions include implied warranties, remedies for breach, defects, and offences. Please refer to section 362A – 362V of the Act link below:

<http://legislation.govt.nz/act/public/2004/0072/latest/DLM306036.html#DLM6371120>

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Commercial and Industrial properties

Section 363 Public Premises

If your building is open to the public, whether for free or payment of a charge, the building cannot be used or occupied until a Code Compliance Certificate is issued. This is because public premises will generally have systems within the building which contribute to life safety and well-being of the building user (these systems are called specified systems).

In certain circumstances it may be possible to apply for a Certificate for public use, which will allow a building to be used before the Code Compliance Certificate is issued. Each application will be considered on a case by-case basis.

What are Public Premises?

Any building which is open to the public whether for free or payment of a charge, including:

- shopping malls, cinemas;
- maraes;
- camping grounds;
- garages and workshops;
- funeral homes;
- office/retail complexes; and
- rest homes etcetera.

What is a Compliance Schedule?

A Compliance Schedule is a document issued by the BCA for buildings that contain specified systems.

Specified systems include:

- automatic systems for fire suppression;
- automatic or manual emergency warning systems for fire or other dangers;
- electromagnetic or automatic doors or windows;
- emergency lighting systems;
- escape route pressurisation systems;
- riser mains for use by fire services;
- automatic back-flow preventers connected to a potable water supply;
- lifts, escalators, travellers, or other systems for moving people or goods within buildings;
- mechanical ventilation or air conditioning systems;
- building maintenance units providing access to exterior and interior walls of buildings;
- laboratory fume cupboards;
- audio loops or other assistive listening systems;

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- smoke control systems; and
- emergency power systems for, or signs relating to, a system or feature specified for any of the above.

From 31 March 2008, a single household unit requires a Compliance Schedule, if it contains a cable car or is serviced by a cable car.

A Compliance Schedule lists the systems and features, including the inspection, maintenance and reporting procedures needed to keep them in good working order. A Compliance Schedule must be kept onsite and made available to building officers, Independent Qualified Persons (IQPs), Licensed Building Practitioners (LBP) and authorised agents.

What is a Compliance Schedule Statement?

A Compliance Schedule Statement is issued at the same time as the Code Compliance Certificate by the BCA and lists the specified systems within the building. It must be replaced in 12 months with a Building Warrant of Fitness (BWOFF), which is issued by the building owner to the Territorial Authority

How do I obtain a Compliance Schedule?

A Compliance Schedule must be applied for at the same time a Building Consent Application is made and will be issued with a Code Compliance Certificate if a new building has one or more specified systems. If an existing building has a Compliance Schedule and if during alteration an existing specified system is removed or new systems are installed, then the Compliance Schedule will be amended and a copy of this will be issued with the Code Compliance Certificate.

What information do I need if I am applying for a Compliance Schedule?

Your designer should provide you with information relating to the performance standards for each specified system contained within the building at the time of application for a Building Consent. These performance standards are required to identify the inspection, maintenance and reporting procedures required for each system.

Can 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.

What is a Building Warrant of Fitness (BWOFF)?

A BWOFF (Form 12) is a statement issued by the building owner to Council stating that the requirements of the Compliance Schedule have been fully met.

The BWOFF must have attached to it all Certificates of Compliance issued by the IQP or LBP. These documents must be issued in the prescribed form (Form 12A) and certify that the inspection, maintenance

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and reporting procedures stated in the Compliance Schedule, have been fully complied with during the previous 12 months.

The BWOFF must be re-issued to Council on the anniversary of the issue of the Compliance Schedule (every 12 months) for the life of the building.

What Documents should I keep regarding the Building Warrant of Fitness?

You are legally required to obtain written reports relating to the inspection, maintenance and reporting procedures of the Compliance Schedule. These should be signed by the IQP or LBP who has carried out any of the listed procedures, (inspection, maintenance or reporting).

You are required to keep all reports for a period of 2 years and produce these for inspection when required.

What is an Independent Qualified Person (IQP)/Licensed Building Practitioner (LBP)?

An IQP who is recognised by Council as qualified to carry out any performance inspection, maintenance, reporting or recommendation on a specified system. Please refer to www.kaipara.govt.nz for current IQP information.

The Licensed Building Practitioner scheme was introduced in 2007 through the Building Act 2004 and came into force on the 1st of March 2012. Approval and registration of LBPs are maintained by the Ministry of Business Innovation and Employment. A register is maintained in accordance with the Act to help the public:

- determine if a person is qualified;
 - choose an appropriate LBP; and
 - identify which LBPs have been disciplined within the last 3 years.
- MBIE website New Link: [Public Register Search](#)

Complaints

What happens if I am unhappy about any decision made by the BCA?

A customer has a right to appeal or to complain about any building control function the BCA undertakes, have this heard and resolved.

Complaints provide feedback about service experience and give us the opportunity to improve our performance.

A complaint in relation to building control is defined as a complaint about:

- meeting statutory timeframes;
- lodgement or vetting of Building Consent applications;
- processing of Building Consent applications;
- inspection of work under construction;

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- issuing of a Notice to Fix;
- issuing of Code Compliance Certificates;
- issuing Compliance Schedules;
- failure to provide appropriate information or advice;
- Fees and Charges; and
- failure to meet legislative or Building Code requirements.

How do I make a complaint?

You can make a complaint in person; however, it must be accompanied in writing. Complaints not made in writing or made anonymously will not be actioned.

Complaints or Appeals should be addressed to:

Quality Assurance Manager
 Kaipara District Council
 Unit 6
 6 Molesworth Drive **Mangawhai 0505**

What information is required?

- date incident occurred
- nature of complaint (vetting, lodgement, inspection, Notice to Fix, Code Compliance Certificate or Compliance Schedule)
- copies of any supporting information (if applicable)
- relationship (customer, regulator or stakeholder) • name and contact details.

How long does it take?

All written complainants will be responded to within three (3) working days of receiving 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.

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.

What else can I do?

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 MBIE for a Determination. Visit [MBIE](#) for further information on this service.

Dams

Contact Northland Regional Council for all building consent information relating to all dams, small and large. (www.nrc.govt.nz)

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