

Building legislation

A TRADIE'S GUIDE



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buildingpeople

ACKNOWLEDGEMENTS

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- ✦ www.building.govt.nz
- ✦ www.lbp.govt.nz

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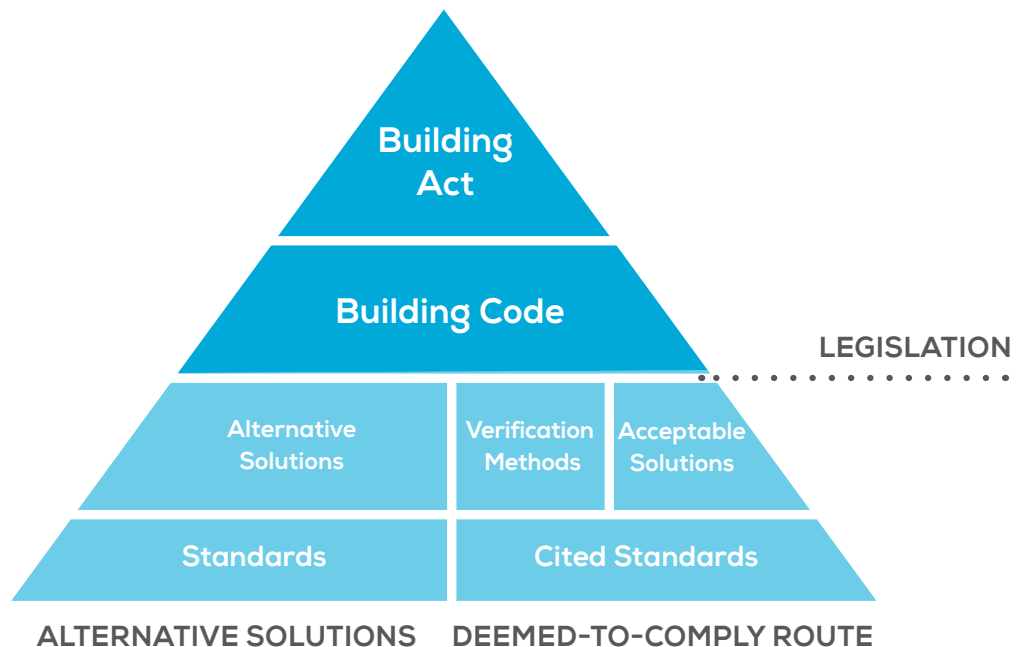
BUILDING LEGISLATION

Overview

New Zealand's building legislation provides the framework for all building work carried out here. It provides for the regulation of buildings, building work and all aspects of work involved in the building industry. It sets building performance standards to achieve the purposes of the Building Act.

The Ministry of Business, Innovation and Employment (MBIE) oversees the regulatory system.

The relationship of different parts of the legislation can be represented by a pyramid demonstrating the hierarchy of the framework.



MANDATORY BUILDING LEGISLATION

The Building Act 2004 is at the top of the pyramid and below this sits the New Zealand Building Code. Both the Act and the Building Code are mandatory. This means that complying with the Act and the Code is required by law.

NON-MANDATORY BUILDING LEGISLATION

Below the Building Code in the pyramid are a series of documents that are not mandatory but provide methods of complying with the Building Code. Verification methods and acceptable solutions are compliance methods that are "deemed to comply", but they do not have to be used. New Zealand Standards cited by the Building Code have the same status as verification methods and acceptable solutions.

Alternative solutions provide pathways for other methods of complying with the Building Code. New Zealand Standards not cited by the Building Code have the same status as alternative solutions.

The Building Act 2004

The Building Act 2004 sets out the rules for the construction, alteration, demolition, removal and maintenance of all buildings in New Zealand. Within the scope of the Building Act are:

- ⊗ regulations (such as the Building Code).
- ⊗ rules for the management of licensed building practitioner and building consent accreditation schemes (such as Licensed Building Practitioner Rules 2007).
- ⊗ processes for applying for building consents.

Under the Act, all building work must comply with the Building Code even if the work does not require a building consent. It applies to all buildings except for some government buildings where high security is required. It also applies to all aspects of buildings including plumbing, electrical and mechanical services.

The aim of the Act is to ensure that buildings are built and maintained so they can be used safely. It requires buildings to be designed, constructed and able to be used in ways that promote sustainable development, and also that people can escape safely from a building that is on fire. It also requires owners, designers, builders, and building consent authorities to be accountable for the buildings they commission, design, build and sign off.

At the end of the Act there are two schedules that contain specific provisions of particular relevance to building work.

SCHEDULE 1	Describes building work that does not require a building consent.
SCHEDULE 2	Describes the buildings that must provide access for people with disabilities.

The New Zealand Building Code

The New Zealand Building Code is found in Schedule 1 of the Building Regulations 1992. It sets out the minimum standards that buildings must meet. It is a performance-based code, which means it requires buildings to perform in certain ways, but it does not specify how they should be designed and built to achieve the performance required. Performance-based codes are intended to give flexibility in the design and construction of buildings.

STRUCTURE OF THE BUILDING CODE

The Building Code covers all aspects of construction including:

- ⊗ structural stability.
- ⊗ the durability of materials.
- ⊗ fire safety design.
- ⊗ access into and around buildings.
- ⊗ internal and external moisture control.
- ⊗ services and facilities.
- ⊗ energy efficiency.

It is divided into eight clauses, identified by letters A to H, that each cover a broad classification of building work.

BUILDING CODE CLAUSES

Within the eight main classifications of building work, there are 41 clauses, each individually identified by the letter A–H and a unique number. Clause A contains three general clauses – **A1 Classified Uses, A2 Interpretation and A3 Building Importance Levels**. Clauses B to H each contain one or more technical clauses. For example, Clause B contains **B1 Structure and B2 Durability**. Each technical clause describes the performance required from a building in the specific area of building work.

Building Code clauses are set out in three parts: objectives, functional requirements, and performance criteria.



The objectives

These describe the social objectives for the building work as set out by the Building Act. The building must also meet the functional requirements and performance criteria for the building work. By doing so, it will meet the objectives of the building.

For example, Clause **B1 Structure** deals with the building structure. The performance requirements are that a building must remain stable and be able to withstand the loads likely to be imposed on it such as from earthquake and wind, and live and dead loads.

REGULATIONS

Clause B1

New Zealand Building Code Clause B1 Structure

This Clause is extracted from the New Zealand Building Code contained in the First Schedule of the Building Regulations 1992.

16	<i>Building Regulations 1992</i>	1992/150
FIRST SCHEDULE—continued		
Clause B1—STRUCTURE		
Provisions	Limits on application	
OBJECTIVE		
B1.1 The objective of this provision is to:		
(a) Safeguard people from injury caused by structural failure,		
(b) Safeguard people from loss of <i>amenity</i> caused by structural behaviour, and		
(c) Protect <i>other property</i> from physical damage caused by structural failure.		
FUNCTIONAL REQUIREMENT		
B1.2 <i>Buildings, building elements and sitework</i> shall withstand the combination of loads that they are likely to experience during <i>construction or alteration</i> and throughout their lives.		
PERFORMANCE		
B1.3.1 <i>Buildings, building elements and sitework</i> shall have a low probability of rupturing, becoming unstable, losing equilibrium, or collapsing during <i>construction or alteration</i> and throughout their lives.		
B1.3.2 <i>Buildings, building elements and sitework</i> shall have a low probability of causing loss of <i>amenity</i> through undue deformation, vibratory response, degradation, or other physical characteristics throughout their lives, or during <i>construction or alteration</i> when the <i>building</i> is in use.		
B1.3.3 Account shall be taken of all physical conditions likely to affect the stability of <i>buildings, building elements and sitework</i> , including:		
(a) Self-weight,		
(b) Imposed gravity loads arising from use,		
(c) Temperature,		

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Here is an extract from Clause **B1 Structure**. This format is the same for all clauses.

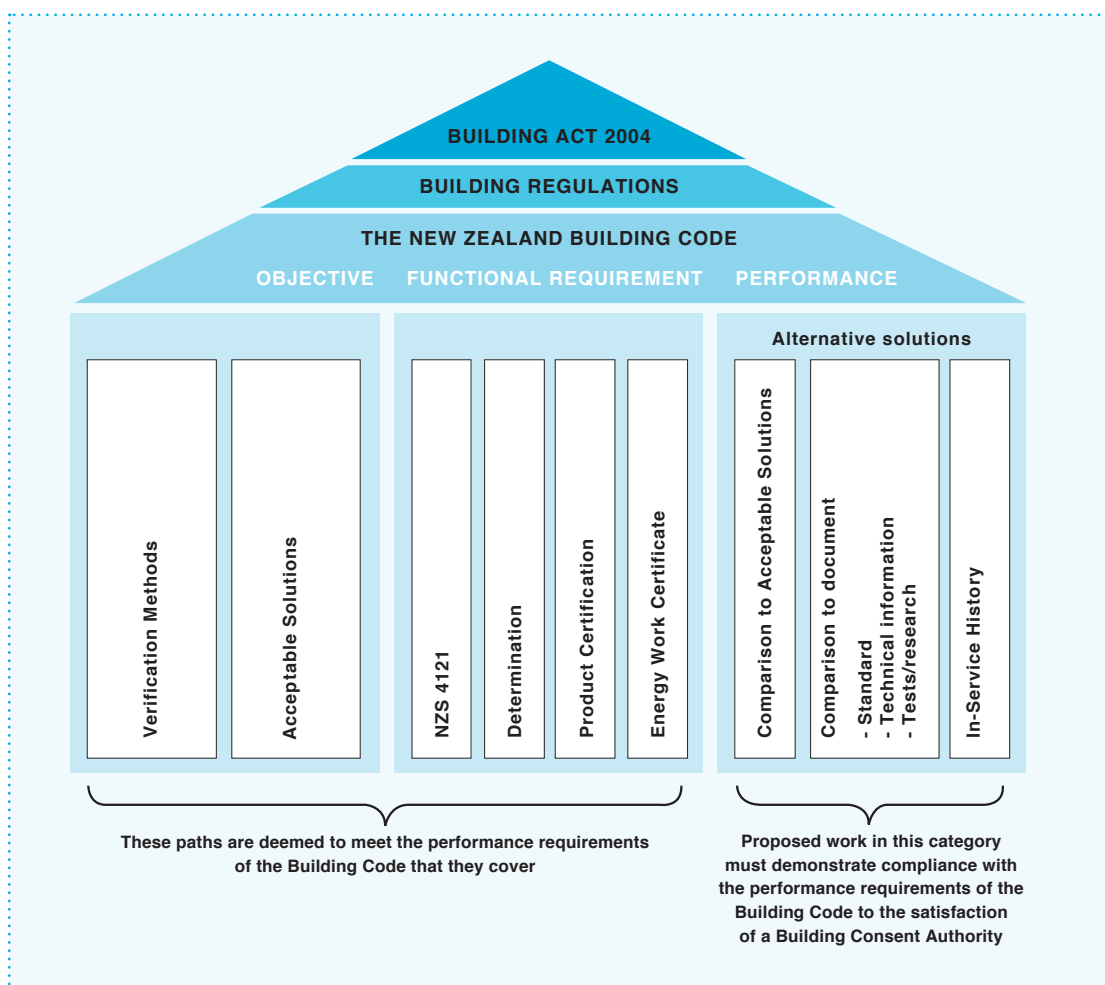
The requirements take into consideration the intended use of the building, the consequences of failure and other factors. For example, buildings that may house large numbers of people (theatres, stadiums), or buildings for vulnerable people (hospitals or rest homes) have higher performance requirements than buildings such as single residential dwellings.

Complying with the Building Code

The process of complying with the Building Code requires that plans and specifications for any building work including new buildings, alterations and additions, or the demolition of a building are assessed by a Building Consent Authority (BCA), which is generally the local Council, to ensure that a proposed work will comply with the requirements of the Building Code. If satisfied that the proposed work will comply, the BCA issues a building consent. The building work must then be carried out in accordance with the consented documentation.

Once the work is completed, the BCA issues a Code Compliance Certificate which confirms that the requirements of the Building Code have been met.

There are a number of means of complying with the Building Code.



VERIFICATION METHODS AND ACCEPTABLE SOLUTIONS

The clauses of the Building Code describe how buildings must perform, but they do not describe how buildings must be built to achieve the performance. Instead, each of the technical clauses contains methods of complying with the particular clause. These are verification methods and acceptable solutions and they represent possible ways of complying. They are not mandatory but if they are used, the BCA must accept the work as compliant with the relevant clause of the Code.

VERIFICATION METHODS	Contain means of calculating or testing materials and systems to ensure that they meet specific requirements. Tests may be conducted in a laboratory or they may be in-situ tests.
ACCEPTABLE SOLUTIONS	Provide prescriptive, step-by-step instructions that give one method of construction that complies with the Code.

Verification methods and acceptable solutions are identified by the particular clause that they refer to and a number. For example, Clause **E2 External Moisture** has one verification method referred to as E2/VM1, and three acceptable solutions referred to as E2/AS1, E2/AS2 and E2/AS3.

OTHER MEANS OF COMPLIANCE THAT MUST BE ACCEPTED

There are also other methods of meeting the performance criteria of the New Zealand Building Code that, when used, must be accepted by BCAs. These include work complying with:

- ⊗ **NZS 4121** *Design for access and mobility - Buildings and associated facilities.*
- ⊗ **product certification** which is the process of certifying a product that has passed specified performance and quality assurance tests. A product certification means the product must be accepted as being compliant with the Code.
- ⊗ **energy work certificates** which certify that the gas and electrical work connected to an energy supply is safe, legal and complete.
- ⊗ **determinations** which are legally binding rulings made by MBIE where there has been doubt or dispute about building work.

ALTERNATIVE SOLUTIONS

In some situations an acceptable solution, verification method or other means of compliance may not be appropriate or desired so an alternative solution must be used.

When applying for a building consent using an alternative solution, sufficient information about the building product or system must be provided to the BCA so that it can determine whether the solution meets the performance criteria of the Code. The application is submitted as an 'alternative method'. Once it has been accepted, the 'alternative method' becomes an 'alternative solution'.

There are a number of approaches that can be used to demonstrate to a BCA that an alternative method will comply with the requirements of the Code. These include:

Comparison with an acceptable solution with minor variations where the proposed work must be relevant and directly comparable to the acceptable solution in aspects such as use, situation and environment.
Comparison with other documents which may include Standards, technical information, tests or research evidence.
Comparison to a previously accepted alternative solution which must demonstrate that the solution is working in practice and how it is directly comparable and relevant to the proposed situation.
Comparison with in-service history which uses documented, credible evidence to compare the proposed work to an existing, similar type of construction.
Expert opinion provided by an appropriately qualified and experienced person or organisation.
Comparison with a previous determination which must demonstrate that the solution is directly comparable and relevant to the proposed situation.

STANDARDS

Standards provide practical information and guidelines and may include specific building solutions. They are developed by Standards New Zealand, often in partnership with Standards Australia. New Zealand Standards are identified by the letters NZS followed by a unique number, the date, and the title of the Standard, for example **NZS 3604: 2011 Timber-framed buildings**. Standards that are developed jointly by New Zealand and Australia have the prefix AS/NZS.

Many verification methods and acceptable solutions refer to Standards as ways of meeting the requirements of the Code. Where a Standard is referred to by a Building Code clause, it must be accepted by the BCA as meeting the requirements of the Code. For example, NZS 3604 is referred to by Building Code clauses B1, B2 and E2 and with some minor modifications provides the acceptable solution for timber-framed building construction up to three storeys.

When a Standard is referred to in a Building Code clause, only the Standard of that particular year of publication is accepted as complying with the Code.

In most situations, either only a part of a Standard is referred to, or the Standard is modified by the Building Code. In this event, it is the modified Standard that becomes an acceptable solution. Where the Building Code clauses refer to Standards, they also identify where in the acceptable solution or verification method the Standard is referred to.

Regulatory systems and legislative instruments

In addition to providing the framework for building work, the Building Act also contains a range of procedures and regulatory systems or legislative instruments.

Regulatory systems define the roles and responsibilities of the organisations that oversee the building industry and provide guidance on how to implement the rules and regulations. These organisations include MBIE, Territorial Authorities (TAs), Building Consent Authorities (BCAs), and Councils.

The term 'legislative instruments' includes rules, regulations, notices, orders, determinations and warrants. For the construction industry, legislative instruments:

- ✦ prescribe forms.
- ✦ set levies and infringement fees and define how infringements are dealt with.
- ✦ describe licensing procedures for building practitioners.
- ✦ set out consumer rights and remedies in relation to residential building work.
- ✦ describe mandatory contract and warranty requirements.
- ✦ define the responsibilities of all parties involved in building projects including owners, designers, builders, manufacturers and suppliers.

As a common example of a legislative instrument, the Building (Forms) Regulations 2004 set out the information that must be in documents such as building consent applications, code compliance applications, warrants of fitness, notices to fix, and applications for determinations.

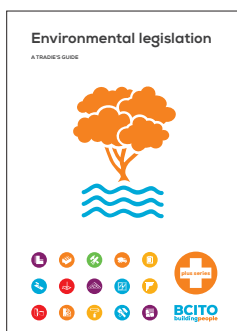
Other legislative instruments include:

Building (Infringement Offences, Fees, and Forms) Regulations 2007
Building (Product Certification) Regulations 2008
Building (National Multiple-use Approval) Regulations 2009
Building (Accreditation of Building Consent Authorities) Regulations 2006
Building (Registration of Building Consent Authorities) Regulations 2007
Building Practitioners (Complaints and Disciplinary Procedures) Regulations 2008
Building Practitioners (Licensing Fees and Levy) Regulations 2010
Building Practitioners (Register of Licensed Building Practitioners) Regulations 2010

While it is not necessary to be familiar with any of these documents, it is useful to know they exist.

RESOURCE CONSENTS

Resource Management Act 1991 – overview



The Resource Management Act 1991 (RMA) is the legislation that deals with the sustainable management of New Zealand's natural and physical resources. It provides a framework for identifying and managing the effects on the environment of a range of activities including building work.

Councils are required by the RMA to prepare Regional and District Plans. These documents set out the planning rules and determine permitted activities within the area controlled by the particular Council.

REGIONAL PLANS	Prepared by Regional Councils deal with the air, water, land and coastal areas of a region.
DISTRICT PLANS	Prepared by District Councils deal with the management of land use and subdivision within a district. They set out the rules and conditions for activities including building work. District Plans must be consistent with Regional Plans.

When is a resource consent needed?

Under the RMA resource consent may be required for any activity that is considered to impact on the environment. If a resource consent is required for a building project, construction must not begin until the resource consent has been granted.

Under District Plans, some activities are 'permitted', that is they are allowed as of right, and a resource consent is not required. An example of this is building a house in a suburban area that is classified 'residential'. As the permitted activity for such an area is the construction of residential dwellings, a resource consent is not needed.

The exception to this rule is where the planned work may contravene one of the other requirements of the District Plan. This may be a black-and-white matter such as exceeding allowed site coverage, or building on or near a boundary. It may also be a less clear-cut issue such as a question about whether a site has special significance to Māori.

In addition to permitted activities, there are five classifications of activities requiring consent:

controlled activities require consent but must have resource consent granted if it is specifically applied for.
discretionary restricted, discretionary unrestricted and non-complying activities have different levels of decision-making criteria but may all have resource consent denied.
prohibited activities do not have resource consent granted under any circumstances.

District plans

The RMA requires District Plans to have three sections.

SECTION 1	Contains the objectives, policies and rules for the district and sets out policies to implement them.
SECTION 2	Contains the design guidelines for the development of the district. These include aspects of building work such as the permitted height of buildings, site coverage, yard sizes, sunlight recession planes, noise restrictions and parking requirements.
SECTION 3	Contains the maps that identify the different zones in the district.

Although District Plans vary for each district, they are all required to provide positive open spaces, privacy for the internal spaces of dwellings, good sunlight or daylight access to dwellings and carparking provisions. They must also control street frontages to dwellings and control the scale and the visual impact of buildings generally within the district.

In addition, they determine environmental features such as fence heights, development permitted within fault-line and floodplain zones, the proximity of buildings to high voltage transmission lines, the location and effects of signage, and the size, location and layout of subdivisions.

APPLYING FOR A RESOURCE CONSENT

Whether a resource consent is needed depends on the type of activity to be undertaken and how it is classified under the local District or Regional Plan. Local Council offices and websites provide information about resource consent requirements.

THE RESOURCE CONSENT APPLICATION PROCESS

1	Preparing an application
	This requires gathering the information that the local Council requires about the proposed activity, filling out the required application form and preparing an assessment of environmental effects (AEE). Consultation with affected parties should also be carried out. Although it is not a requirement under the Resource Management Act to consult with affected parties, it is good practice as it is likely to help the application process run more smoothly. The affected parties are most likely to be neighbours but include other people who may be affected by the proposed work. Neighbours include both the property owner and any tenants occupying the property.
2	The Council process
	Once the application has been submitted, it is then assessed. If the Council decides that there is insufficient information supplied, it is returned within 10 working days to the applicant with a request for more information. Once the application is received, the Council may be required to notify the general public, or in some cases only the affected parties, of the proposed activity and allow people to make submissions for or against the proposal. In some situations a hearing may also be required. In most cases however, notification is not required which means the application is not open to submissions.
3	Approval decision
	Once a decision has been made by the Council the applicant is advised of the outcome. If approved, the application may be subject to conditions or environmental effects may need to be monitored. There may also be an expiry date for the consent, which means it must be completed within a given timeframe. If the application is declined or if it is approved and the applicant is not happy with the conditions of the approval, an appeal may be made within 15 working days of notification of the decision.

RESOURCE CONSENT APPLICATION INFORMATION

Most Councils provide comprehensive information about what they require for a resource consent application. The information they generally require includes a plan showing the location of the proposed activity, a site plan showing the proposed development, elevations of the proposed building, and any other information relevant to the activity. They also require a LIM (Land Information Memorandum), an AEE (assessment of environmental effects), a Certificate of Title of the site that identifies current and previous ownership as well as any rights and restrictions over the land, and written approval from affected parties where relevant.

BUILDING CONSENTS

Under the Building Act, all building work that is not classified as exempt requires a building consent. This includes new construction, alteration, demolition and building removal work.

A building consent is the formal approval for building work to be undertaken and must be obtained before the building work begins. Obtaining the building consent is the responsibility of the owner, though someone else can apply for it on behalf of the owner.

WORK NOT REQUIRING A BUILDING CONSENT

The exemptions where building work does not require a consent are listed under Schedule 1 of the Building Act. Examples of exempt building work are:

- ⊗ repair, maintenance or replacement of existing components using comparable materials in the same position.
- ⊗ single-storey buildings that are less than 10m².
- ⊗ replacing windows in an existing building.
- ⊗ demolition of detached buildings up to three storeys high.

There are many more types of exempt building work. It is good practice to check Schedule 1 before any building consent application is made.

ALL WORK MUST COMPLY WITH THE CODE

All building work must comply with the Building Code regardless of whether a building consent is required.

Building classifications and building importance levels

Before a building consent application can be completed, the building classification and the building importance level must be determined.

BUILDING CLASSIFICATIONS

Clause **A1 Classified Uses** of the Building Code defines seven building classifications. These are:

housing which includes all buildings with self-care and service facilities, that is residential dwellings.

communal residential where assistance care is provided (such as hospitals, retirement homes, prisons).

non-communal residential such as churches, schools, day care centres, cinemas, clubrooms, theatres.

commercial where natural resources, goods and services are developed, sold or stored.

industrial where manufacture, repair and storage from industrial processes occur.

outbuildings which are buildings that are not habitable.

ancillary buildings which are structures that are non-habitable such as bridges, fences, retaining walls.

BUILDING IMPORTANCE LEVELS

Clause **A3 Building Importance Levels** of the Building Code defines importance levels based on the consequences of a building failure after a major disaster including:

- ⊗ the risk to human life.
- ⊗ the economic impacts.
- ⊗ the ability for the building to continue to function or be repaired after a disaster.

There are five levels of importance which are defined in Clause A3 as follows:

LEVEL 1	Includes buildings and structures that present a low risk of hazard to life or property (such as outbuildings, fences and walls).
LEVEL 2	Includes all buildings not referred to by any of the other categories (such as timber-framed houses, car parking buildings and office buildings).
LEVEL 3	Includes buildings that may have contents of high value to the community (such as museums), or pose a risk to a large number of people in a single building (such as conference centres, stadiums and airport terminals).
LEVEL 4	Includes buildings that must remain functional immediately after an earthquake or major disaster (such as hospitals and communications centres).
LEVEL 5	Includes structures whose failure poses a catastrophic risk to a large area or a large number of people (such as dams or biological containment centres).

The process of a building consent

A building consent involves four main steps:

1 Preparing an application

Application packs are available from Councils' websites or in hard copy.

The application form should be completed and signed by the owner or by a person on behalf of the owner. Required information generally includes:

- ⊗ proof of ownership of the property such as the Certificate of Title
- ⊗ plans and specification of the proposed work
- ⊗ other supporting documentation such as evidence to demonstrate that work complies with the requirements of the Building Code.

Plans should include a site and/or location plan to show where the proposed work will be carried out, and detailed drawings of the proposed work itself. Specifications define the scope of the work to be done, the materials and products to be used and the standards of workmanship required. A specification must be project-specific, that is it must apply to the building work for which the consent is being applied.

Each Council has slightly different requirements for documentation. Additional documentation that may be required includes bracing calculations, a weathertightness risk matrix, truss manufacturer and structural engineer producer statements (PS1), and a fire report.

Supporting documentation may include information about specific products, systems and installations such as solid fuel fires and flues, fire-rated systems, solar and wetback hot water systems, membrane systems for roofs, decks, below-ground and internal wet areas (bathrooms, saunas), wall and roof claddings (except for horizontal timber weatherboards, and 70mm or 90mm brick veneer cladding), and wall underlays where a metal or non-absorbent wall cladding is to be used.

2 Evaluation of the application by the BCA

If the proposed work complies with the requirements of the Building Code, a consent is issued. The BCA is required to issue the consent within 20 working days if all information is provided.

If the BCA decides that more information is required, a request for further information (RFI) will be made and processing of the application will be held up.

The main reasons for RFIs include poor documentation, uncompleted forms, areas of work where compliance with the Building Code has not been clearly demonstrated, or insufficient information generally.

When an RFI is issued, the applicant has 20 working days to respond. Two reminder notices are sent out over a three-month period and if there is no response to these, the building consent is declined.

3 Construction

Once a building consent has been issued, work must begin within 12 months or the consent will lapse. If a resource consent is also required, it must be issued before work begins.

During the construction phase, regular inspections of particular aspects of construction are made by an authorised inspector. Inspections verify that construction work is carried out in line with the consented documents. Inspections typically involve the foundations, the framing, insulation installation, plumbing and drainage work, and cladding and flashing installation. Inspections must be booked in advance so forward planning during construction is required if work is not to be held up.

4 Final inspection

Once the building work has been completed the final inspection occurs. If all work is found to comply with the consented documents, a Code Compliance Certificate (CCC) is issued that confirms that work complies with the consent. A CCC must be applied for within two years of the issue of the building consent.

Building consent-related documents and issues

There are a number of other building consent-related documents and issues including:

Amendments to building project during construction

Amendments are sometimes required during the construction process, often by the owner but sometimes because something unanticipated has occurred that affects the building work. If an amendment is required, it should first be discussed with the building inspector.

Minor amendments may only require a copy of the changes to be given to the building inspector for approval. Major amendments require an application of the changes to be lodged with the Council. Work must stop until approval for the amendments has been granted.

Notice to fix

A notice to fix is a statutory notice that requires work to be fixed if it breaches the Building Act or regulations under the Act. It is issued to a specific person, the building owner, or person carrying out or supervising the building work.

Determinations

If a person disagrees with a Council decision about building work, a request may be made to MBIE for a determination. A determination is a legally binding ruling on disagreements or issues about building work. If a determination is disputed, it can be appealed in the District Court. The outcome of a determination can be used as the basis for other situations where there are similar issues.

Code Compliance Certificate

A Code Compliance Certificate should be obtained as soon as possible after the completion of building work. It is the sign-off documentation to say that the building has been completed and complies with the requirements of the Building Code.

Building warrant of fitness

A building warrant of fitness confirms that “specified systems” in a building have been maintained and checked for the previous 12 months in accordance with the building’s compliance schedule. Specified systems are safety and essential systems in a building that, if they fail to operate properly, can potentially cause harm to building occupants’ safety or health. They therefore require ongoing inspections and maintenance to ensure they function as intended. Specified systems include fire protection systems (e.g sprinkler systems, smoke control systems, fire alarms), emergency lighting systems, lifts and escalators, and mechanical ventilation or air conditioning systems.

Compliance schedule

A compliance schedule lists the building's specified systems and the inspection, maintenance and reporting procedures needed to keep them in good order. All buildings with a specified system must have a compliance schedule.

Certificate for public use

A certificate for public use allows public buildings where building work is being carried out to be continued to be used by the public. Without a certificate for public use, the public would not be able to use the public building until a Code Compliance Certificate had been issued.

Certificate of acceptance

A Certificate of Acceptance can be applied for where work has been done without a building consent, or in particular situations where a Code Compliance Certificate could not be issued. It provides verification for a building owner (or future owner), that part or all of the specified building work complies with the Building Code.

Multiproof building consent

A multiproof building consent can be applied for if a number of identical or similar building designs are to be used, for example when building townhouses. The multiproof is a multiple-use approval issued by MBIE to confirm that a set of plans and specifications for a building complies with the Building Code. There must be an intention and ability to build at least ten approved multiproof-consented buildings in two years.

Even though a multiproof has been approved as complying with the Building Code, a building consent for each separate building is still required. One clear advantage of the multiproof is that the consent must be granted within ten working days rather than twenty working days as for a standard building consent.

Land Information Memorandum (LIM)

A LIM is a report on a property that includes all historical and current information about the property. They are prepared and held by Councils.

Project Information Memorandum (PIM)

A PIM is a report on a property that contains information from the Council that may affect a proposed building project.

LICENSING

Licensed building practitioner (LBP) scheme

The licensed building practitioner (LBP) scheme was introduced by the Building Act 2004 with the aims of:

- ❶ improving the competence of building practitioners.
- ❷ making builders more accountable for their work.
- ❸ providing greater protection for consumers.

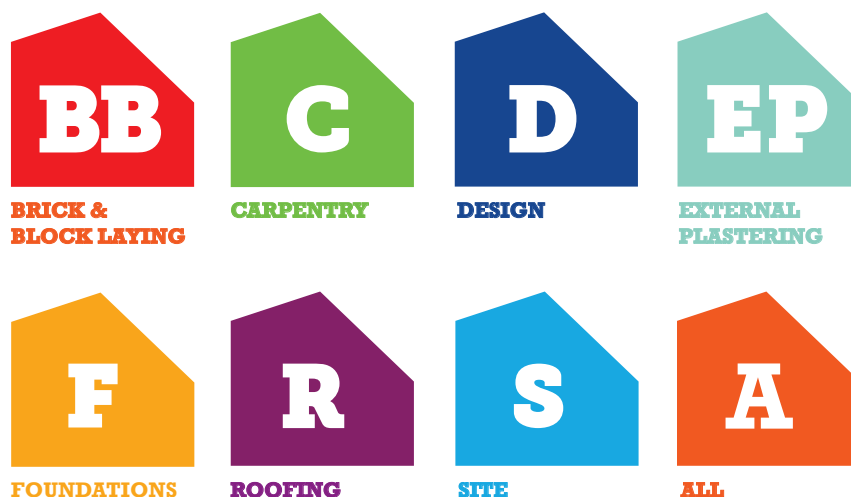
The LBP scheme is administered by a Registrar appointed by MBIE. The Registrar is responsible for a number of functions including:

- ❶ maintaining a public register of licensed building practitioners.
- ❷ setting the minimum standards of competence required to become licensed.
- ❸ ensuring professional skills are maintained.
- ❹ supporting the Building Practitioners Board in investigating complaints made against licensed building practitioners.

LICENCE CLASSES

There are seven LBP licence classes based on specific roles or aspects of construction critical to ensuring compliance with the Building Code. The licence classes are:

- 1 Carpentry
- 2 External plastering
- 3 Foundations
- 4 Roofing
- 5 Brick and block laying
- 6 Site
- 7 Design



Areas of practice

All of the licence classes except for carpentry have areas of practice. These are identified sub-areas within the scope of the licence class that require specialised skills.

FOR EXAMPLE, ROOFING HAS SEVEN AREAS OF PRACTICE BASED ON THE ROOFING TYPE. THE DIFFERENT ROOFING TYPES AND AREAS OF PRACTICE ARE:

- ✦ concrete or clay tile roofs – roofing 1
- ✦ profiled metal roof and/or wall cladding – roofing 2
- ✦ metal tile roofs – roofing 3
- ✦ membrane roofs – roofing 4
- ✦ torch-on membrane roofs – roofing 5
- ✦ liquid membrane roofs – roofing 6
- ✦ shingle/slate roofs – roofing 7

Three of the licence classes have two areas of practice each. These are as follows:

EXTERNAL PLASTERING

- ✦ solid plastering
- ✦ proprietary plaster cladding systems

BRICK AND BLOCK LAYING

- ✦ veneer brick
- ✦ structural masonry

FOUNDATIONS

- ✦ concrete slab-on-ground
- ✦ concrete or timber pile foundations

As each of the areas of practice has specific application or installation requirements, it is essential that the applicator or installer has the appropriate skills for the work required. Licensed building practitioners are not solely restricted to working within one area of practice. They may undertake all work covered by their licence class as long as they have the appropriate skills and therefore the competence to carry out the work.

BUILDING CATEGORIES

There are three building categories that are related to licensed building practitioner classes and areas of practice. The categories identify and categorise buildings based on risk factors, complexity and intended use. The categories are:

CATEGORY 1	Single household, simple dwellings with a low or medium-risk envelope design.
CATEGORY 2	Single household dwellings with a higher building envelope risk score, or buildings that are not single household dwellings and are less than 10m high measured between the floor surfaces of the lowest and highest storeys.
CATEGORY 3	All buildings over 10m in height, except if the building is a single household dwelling.

THE DESIGN AND SITE LICENCE CLASSES

The Design and Site licence classes are divided into a further three classes that align with the building categories. For example, a person with a Design 1 licence may design buildings that are in Category 1 and a person with a Site 1 licence may coordinate and oversee the construction or alteration of a building that is in Category 1.

Similarly, a person with a Design 3 licence or a person with a Site 3 licence may either design or coordinate and oversee the construction of Category 3 buildings.

Site licences differ from other licences because they involve the coordination and oversight of building work, whereas the other licence classes are all more directly involved in the building work itself.

TRADE LICENCE CLASSES

The seven licence classes reflect the building trades and work that is critical to the building structure, the building envelope and to fire safety systems, so they are sometimes referred to as 'trade' classes. Anyone who carries out or supervises restricted building work in any of the licence classes must hold the appropriate trade licence.

SPECIALISED TRADES

Registered or craftsperson plumbers and gasfitters are not licensed under the licensed building practitioner scheme. They have their own registration board. Their licences are an authority to practise and are issued for a limited period of time after which they require renewal.

With the appropriate licences, plumbers and gasfitters may carry out or supervise work such as fitting and sealing or flashing pipework through an external wall, or carrying out roofing and cladding work.

Likewise electricians and others in the electrical industry are licensed by the Electrical Workers Registration Board. There are many categories of licence including Electrician, Electrical Engineer and Distribution Line Mechanic. The Board administers examinations following training with an approved provider.

As in plumbing this is an authority to practise; apprentices must hold first a Limited Certificate before they can undergo on-job training, then progress to a Provisional Certificate within a set period.

Restricted building work (RWB)

Restricted building work (RWB) may only be carried out, or supervised, by a licensed building practitioner holding the appropriate class of licence. The restricted building work includes the design, construction and alteration of the structure, the building envelope and the fire safety systems of the building. Restricted building work only applies where a building consent is required.

Buildings affected by restricted building work include houses and small-to-medium sized apartment buildings. Houses are defined as free-standing, detached buildings comprising single residential dwellings.

Small-to-medium sized apartment buildings are defined as buildings up to 10m that contain two or more residential units that may be apartments or townhouses, and include the associated facilities such as an entry foyer, laundry facilities and garages but not commercial units or facilities.

Buildings not affected by restricted building work include detached garages and carports, mixed-use apartment buildings that have shops or other commercial businesses in them, commercial buildings of any height, and apartment building that are more than 10m in height.

CERTIFICATES OF WORK AND RECORDS OF BUILDING WORK

Building contractors must provide a Certificate of Design Work (CoW) to the building owner which must be submitted as part of the building consent application. CoWs should detail all aspects of RBW to be carried out or supervised by each licensed building practitioner. The building consent application must also identify the trades and licensed building practitioners who are going to carry out or supervise specific parts of the building work.

LICENSED BUILDING PRACTITIONERS

Form 6A Memorandum from Licensed Building Practitioner:
Record of building work
Section 88, Building Act 2004

THE BUILDING

Street address: 15 Stout Street
Suburb: CBD
Town / City: Wellington
Postcode:

THE PROJECT

Building consent number: 123456

THE OWNER(S)

Name(s): Paul Hobbs
Mailing Address: 15 Stout Street
Suburb: CBD
PO Box / Private Bag:
Town / City: Wellington
Postcode:
Phone Number: 021 555 5555
Email: Paul@gmail.com

Work that is restricted building work	Description	Carried out/Supervised
PRIMARY STRUCTURE		
Foundations and subfloor framing	Text to explain what RBW involved	Supervised
EXTERNAL MOISTURE MANAGEMENT SYSTEM		
Damp proofing	Text to explain what RBW completed	Carried out and supervised

At the end of the project a Record of Building Work (RoW) must also be given to the owner. RoWs should detail all aspects of RBW carried out and identify:

- which licensed building practitioner carried out or supervised which work.
- their licensed building practitioner number.
- how the building work complies with the Building Code.

A copy of the RoW must also be submitted to the Council at the end of the project before a CCC can be issued.

It is essential that the RoW is accurate as it remains with the building, and in the Council's records, and definitively establishes who has undertaken or supervised restricted building work at any time during the life of the building.

Site licensed building practitioners are not licensed to carry out building work and cannot therefore supervise or carry out restricted building work. This in turn means that a person with a site licence cannot issue a RoW for restricted building work.

Skills maintenance and continued professional development

Licensed building practitioners must undertake skills maintenance and continued professional development in order to keep up with changes both in building work and the building legislation.

Skills maintenance is achieved by carrying out activities deemed to be within the required set of skills for the licence class. Activities include both compulsory and elective activities and must be completed every two years.

Compulsory activities require a combination of reading Codewords (an MBIE online publication containing regulatory and building industry-related information), and providing evidence of on-the-job learning.

Elective activities have minimum required hours of learning depending on the licence class and may cover a wide range of activities relevant to the building industry.

Activities may include attending seminars, workshops, on-site visits, or a range of other building-related activities. A record of evidence of the elective activities must be kept. This can be done directly onto a personal licensed building practitioner's LBP portal and submitting information, or by keeping a written record of activities undertaken.

