



Quick Reference Guide to Building Law

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The law

Building Act 2004

Building Amendment Act 2005

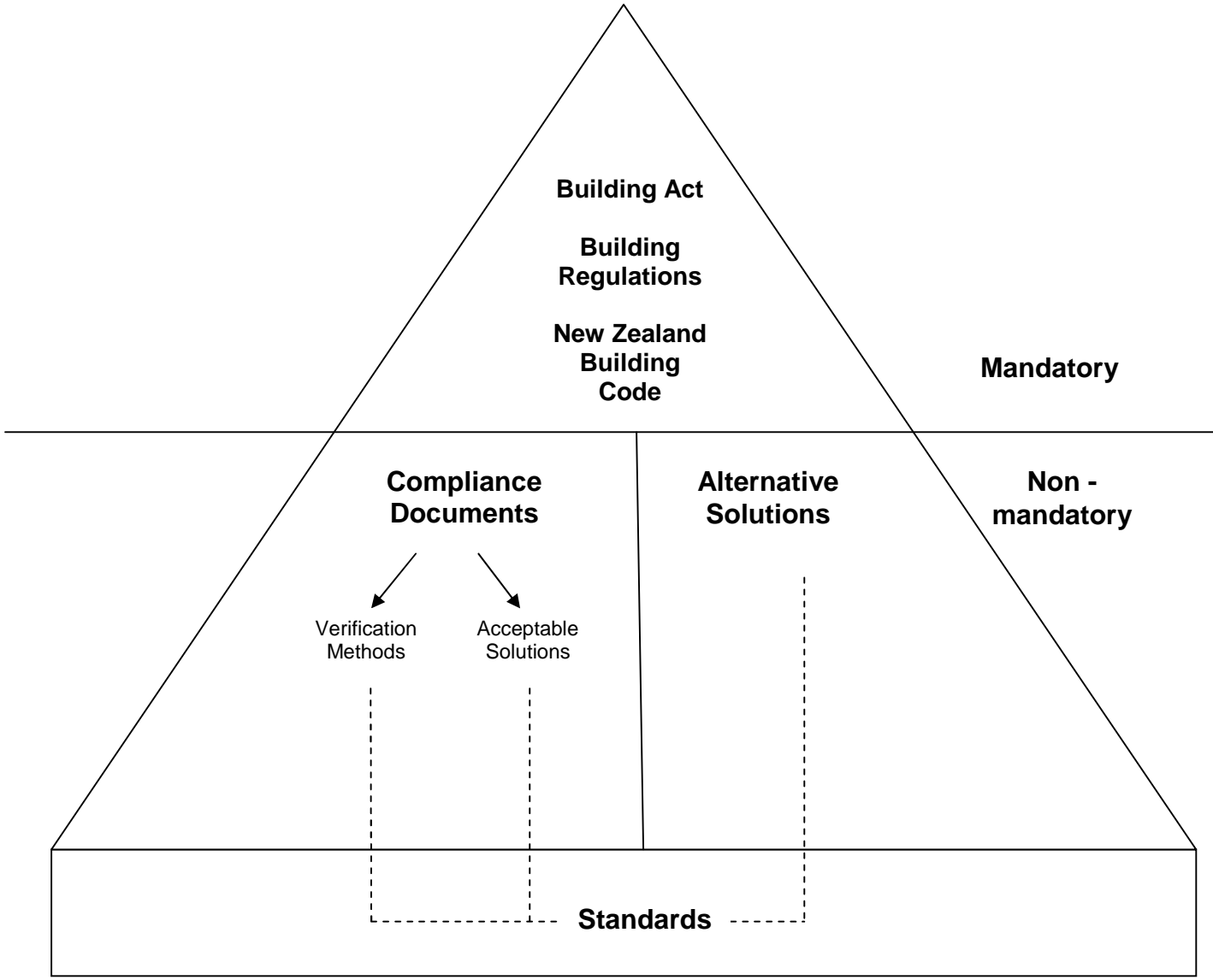
Building Amendment Act 2008

Building Regulations made under the Building Act 2004.

To date, the following regulations have been made under the Building Act 2004.

- 2007/125: Building (Design Work Declared to be Building Work) Order 2007
- 2007/126: Building (Designation of Building Work Licence Classes) Order 2007
- 2007/102: Building (Consent Authority Accreditation Fees) Regulations 2007
- 2006/399: Building (Accreditation of Building Consent Authorities) Regulations 2006
- 2005/031: Building (Forms) Amendment Regulations 2005
- 2005/032: Building (Specified Systems, Change the Use, and Earthquake-prone Buildings Regulations 2005
- 2005/338: Building (Specified Systems, Change the Use, and Earthquake-prone Buildings Amendment Regulations 2005
- 2005/033: Building Levy Order 2005
- 2005/055: Building (Fee for Determinations) Regulations 2005
- 2005/170: Building (Forms) Amendment Regulations (No 2) 2005
- 2004/385: Building (Forms) Regulations 2004
- 2007/403: Building (Infringement Offences, Fees, and Forms) Regulations 2007
- 2007/299: Building Practitioners (Licensing Fees and Levy) Regulations 2007
- 2007/300: Building (Registration of Building Consent Authorities) Regulations 2007

The Building Code is contained in the Building Regulations 1992.



Building Act 2004

5 parts

451 sections

4 schedules

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- Form 1 – Agreement between residential property developer and purchaser
- Form 2 - Application for Project Information Memorandum and/or Building Consent
- Form 3 - Development Contribution Notice
- Form 4 - Certificate attached to Project Information Memorandum
- Form 5 - Building Consent
- Form 6 - Application for Code Compliance Certificate
- Form 7 - Code Compliance Certificate
- Form 8 - Application for Certificate of Acceptance
- Form 9 - Certificate of Acceptance
- Form 10 - Compliance Schedule statement
- Form 11 - Application for amendment to Compliance Schedule
- Form 12 - Warrant of Fitness
- Form 12A - Certificate of compliance with inspection, maintenance, and reporting procedures
- Form 13 - Notice to Fix
- Form 14 - Application for Determination
- Form 15 - Application for Certificate for Public Use
- Form 16 - Application for Public Use

Reference:

Building (Forms) Regulations 2004

Building (Forms) Amendment Regulations 2005

Building (Forms) Amendment Regulations No 2, 2005

NZ Building Code Clauses

A1 Classified uses
A2 Interpretation

The NZ Building Code is
contained in the Building
Regulations 1992.

STABILITY

B1 Structure
B2 Durability

FIRE SAFETY

C1 Outbreak of fire
C2 Means of escape
C3 Spread of fire
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D1 Access routes
D2 Mechanical installations for access

MOISTURE

E1 Surface water
E2 External moisture
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F1 Hazardous agents on site
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F3 Hazardous substances and processes
F4 Safety from falling
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F6 Visibility in Escape Routes
F7 Warning systems
F8 Signs

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G1 Personal hygiene
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G3 Food preparation and prevention of contamination
G4 Ventilation
G5 Interior environment
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G13 Foul water
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Glossary

Key terms and procedures used in the Building Act are set out below with a definition or description.

Acceptable Solution: A prescriptive design solution which provides an approved way of complying with the Building Code. Acceptable Solutions are published in the Compliance Documents, and often quote other documents such as New Zealand Standards. Designers and builders are not obliged to use Acceptable Solutions, and may propose their own Alternative Solution.

Alteration: Rebuilding, re-erecting, repairing, enlarging or extending a building.

Alternative Solution: The term Alternative Solution is not formally defined anywhere – it is simply an industry expression derived from being an alternative to the solutions given in the Compliance Documents yet complies with the Building Code. These are ‘stand-alone’ solutions considered and approved on their individual merits.

Appraisal: An independent assessment of building products, materials, systems or methods of design or construction. Products are assessed for Building Code compliance and fitness for purpose.

Approved Documents: Documents issued by the Department of Building and Housing. They comprise Acceptable Solutions and Verification Methods that provide methods of compliance with the Building Code. The Methods describe a particular way of complying: it is not mandatory that they should be followed.

Building Act 1991: An Act to consolidate and reform the law relating to building and to provide for better regulation and control of building, now replaced by the Building Act 2004. .

Building Act 2004: An Act that aims to improve control of, and encourage better practices in, building design and construction, so that buildings are designed and built right first time. This will give greater assurance to building owners and users, particularly homeowners, that their building meets standards set out in the Building Code.

Building Code: Set of national, mandatory standards for building work, forming part of the Building Regulations 1992. The New Zealand Building Code is performance based, that is, it specifies the performance required of a building rather than the particular materials, methods etc. to be used in construction. .

Building consent: Consent issued by a building consent authority for building work to begin in accordance with the approved plans and specifications. .

Building Consent Authority: another name given to a Council or private organisation who carries out certain functions under the Building Act 2004.

Code Compliance Certificate: a certificate issued by the building consent authority at the completion of building work, confirming that the building work complies with the building consent

Compliance Schedule: a document issued by the territorial authority listing the inspection, maintenance and reporting procedures for specified systems and features in a building (such as lifts, fire alarms, air conditioning) to ensure their continued safety of operation.

Determination: A binding decision on matters of doubt or dispute regarding compliance with the Building Act, regulations and Code made by the Department of Building and Housing.

Functional Requirement: A term in the Building Code used to describe what is required of the building work so that the objectives of the particular Building Code clause will be met.

Land Information Memorandum (LIM): A report issued by a local council containing the information held by the council about a piece of land, including what the land can be used for under the district plan rules. .

Notice to fix: Formal notice from the territorial authority that can direct that all or part of the building work must stop.

Plans and specifications: The documents according to which building work is proposed to be constructed, altered, demolished or removed. They include proposed procedures for inspection during construction, alteration, demolition or removal. .

Producer statement: A statement confirming that plans, specifications, or completed works comply with the technical requirements to satisfy the Building Code. A producer statement will usually be issued by a recognised specialist, for example, engineer, architect, appraisal organisation or competent contractor. It is up to the local council to decide whether to accept such a statement.

Project Information Memorandum (PIM): A report, issued by the local council prior to issuing a building consent, confirming that building work may proceed, subject to any requirements under legislation other than the Building Act. It may also notify that building work may not be done. It includes information likely to be relevant to the proposed building work such as potential erosion, subsidence, slippage, and flooding.

Territorial Authority (TA): City or district council.

Verification Method: A method by which an Alternative Solution may be verified for compliance with the Building Code. Verification Methods can include calculations, laboratory tests or tests in-situ. Verification Methods are published in the Approved Documents.

Acronyms

AS	Acceptable Solution
BAct91	Building Act 1991
BAct04	Building Act 2004
BC	Building Consent
BCA	Building Consent Authority
BIA	Building Industry Authority
BRANZ	Building Research Association of New Zealand
CCC	Code Compliance Certificate
DBH	Department of Building and Housing
LBP	Licensed Building Practitioner
LIM	Land Information Memorandum
NTF	Notice to Fix
NTR	Notice to Rectify (BA91)
NZBC	New Zealand Building Code or Building Code or Code
PIM	Project Information Memorandum
TA	Territorial Authority (Council)
VM	Verification Method



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