



A Guide to obtaining a

# **BUILDING CONSENT**

on the

# **KAPITI COAST**



**March 2007**  
Regulation 7 (2)(a)(i)(ii)

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# **1. About the Building Act**

**The Building Act 2004 is the legislation that governs the building industry in New Zealand.**

**The Act aims to improve control of, and encourage better practices in, building design and construction.**

**This means:**

- **more clarity on how we expect buildings to meet the building code**
- **more guidance on how those standards can be met**
- **more certainty that capable people are undertaking building design, construction and inspection**
- **more scrutiny in the building consent and inspection process**
- **better protection for homeowners through the introduction of mandatory warranties**

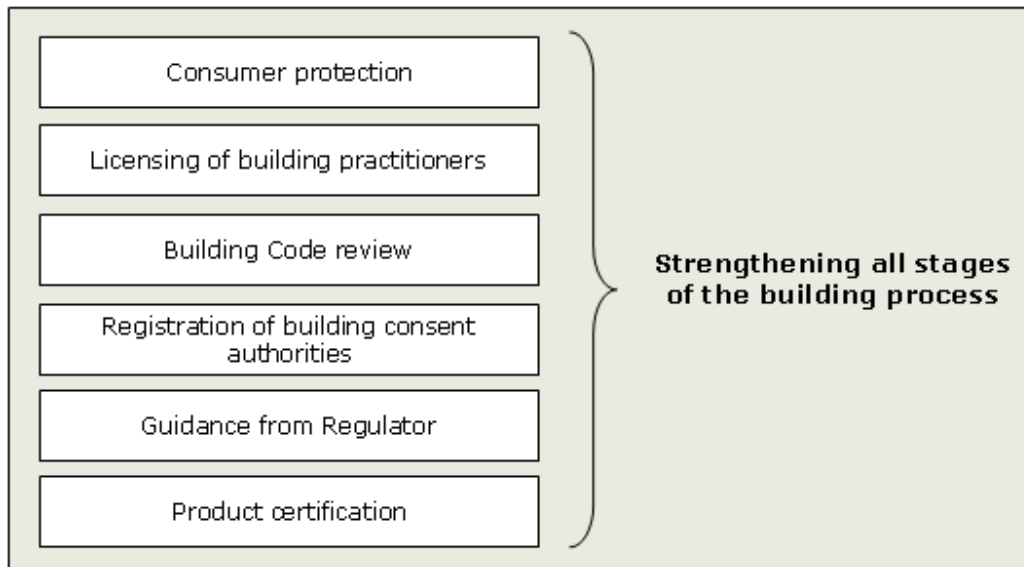
**The Building Act 2004 repealed the Building Act 1991 and dissolved the Building Industry Authority, which had regulated the building industry under the 1991 Act. Administration of the Building Act then shifted to the Department of Building and Housing, which was established on 1 November 2004.**

**The Act is implemented in stages;**

**Some measures in the new legislation came into effect on [30 November 2004](#) and [31 March 2005](#). Some amendments to the Act took effect from [14 April 2005](#).**

**Other measures will be implemented [over the next few years](#) to allow time for supporting regulations to be developed.**

**The Act set up a framework that aims to ensure there is strong decision-making at every stage of the building or renovating process.**



**The Act introduces:**

- a review of the Building Code for more clarity about building standards and more guidance about how to meet those standards
- licensing and accreditation, which aim to provide more certainty that the people doing and certifying the work have the skills for the job
- more scrutiny in the monitoring process that checks building and design work, and overseeing of the sector by the government
- requires territorial authorities ( that's us) to become Building Consent Authorities and achieve accreditation by 30 November 2007

## **2. Why go through the building consent process?**

The purpose of the law is to ensure that building work is safe, durable and does not endanger health, both for the current users of the building and to protect those who may buy and use the property in the future.

Building without a building consent where one is required is an offence in New Zealand that could result in fines and possibly the removal of the building work.

It may also make it difficult to sell the building, or even to get insurance.

### **3. When is a building consent required?**

**The Building Act Schedule 1 [attached as appendix (i)] sets out certain building work that does not require a building consent. This is often referred to as ‘exempt work’.**

**However, it is important to note that all building work, whether or not it requires consent, must be done to meet the standards of performance set by the Building Code.**

**Some basic building, such as laying a patio or installing kitchen cupboards, does not require a building consent. Most building work, however, does. The lists below provide a summary, but it is advisable to check with our Building Control Staff to be sure. Plumbing and drainage are likely to require a building consent. Some earthworks may also require a building consent or other approvals.**

#### **Examples of work that does require a building consent:**

- structural building - additions, alterations, re-piling, demolition
- plumbing and drainage [except repair and maintenance of existing (using comparable) components]
- relocating a building
- installing a woodburner or air-conditioning system
- retaining walls higher than 1.5 metres
- fences or walls higher than 2 metres, and all swimming pools and their associated fences
- decks, platforms or bridges more than 1 metre above ground level
- sheds greater than 10 square metres in floor area

#### **Examples of work that does not require a building consent:**

- a patio or deck at ground level
- garden trellis less than 2 metres high
- maintenance of your house, for example, replacing spouting or a piece of weatherboard
- building a small garden shed (provided it is no closer than its own height to the boundary, is under 10 m<sup>2</sup>, and less than one storey high)

## 4. Applying for a Building Consent or PIM



### What is a PIM?

A **Project Information Memorandum, or PIM**, is a report provided by the Council about a specific building proposal on a specific site. It is not an approval of the proposal, but it will provide either:

*Confirmation* that building work may be done, subject to the requirements of the building consent and provided that all other necessary authorisations have been obtained, or

*Notification* that building work may not be done because necessary authorisation has been refused, even though a building consent may have been issued.

A PIM identifies:

- (i) **information on any special features of the land concerned, that is known to the Council, which could affect a proposed building project, such as:**
- erosion
  - falling debris
  - subsidence
  - slippage
  - flooding
  - presence of hazardous material
  - whether a Resource Consent is required
  - whether other laws affect the site, for example, heritage requirements, territorial authority bylaws
  - details of surface water and wastewater
  - whether a development contribution fee is required
  - whether the proposed use of the building will require an evacuation scheme approved by the New Zealand Fire Service

## **Advantages in obtaining a PIM early**

- it will help you decide whether your project is feasible and likely to be approved before you commission working drawings
- it will inform you of other Council approvals you must obtain prior to commencement of building work
- you should get a PIM at the planning stage of a project, rather than after the details and working drawing have been finalised and when an application for building consent is about to be made
- a PIM is always required for a building consent

## **What if I don't want to apply separately for a PIM ?**

If no application is made separately for a PIM, a building consent application will automatically be treated as an application for both a PIM and a building consent.

## **Applying for a PIM:**

**Application forms for a PIM (on a combined Building Consent /PIM form) are available from Kapiti Coast District Council offices located in Rimu Road Paraparaumu, Waikanae and Otaki and can be downloaded from our web site [www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)**

**State the address and legal description of the site, and provide drawn details about the kind of building that is proposed such as:**

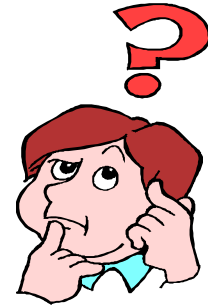
- site plan showing boundary dimensions and building distances from boundaries
- elevations showing height of building and height in relation to boundaries for day-lighting (District Plan requirements)
- site coverage of proposed and existing buildings
- proposed floor levels in relation to established datum
- proposed earthworks (if applicable) with existing and proposed site contours
- location of water ways and other specific land features (e.g. native trees)
- proposed use of the building

**A PIM will be issued within 20 working days. There is a set fee for this service. (refer fee schedule available from Council office's or from our web site)**

**The Council may require additional information to enable it to determine compliance with its District Plan, but any such request must be made within 10 working days of receiving the application.**

**If additional information is requested your application may be suspended (clock stopped) until such time as the information is received. From this time Council has 10 days to issue the PIM.**

## How do I obtain a Building Consent?



Prepare the building consent application together with accompanying plans and specifications showing what you intend to build and how it will comply with the building code.

It is suggested that an appropriately qualified professional should be engaged to assist with this as he or she will be familiar with the level of detail required.

Kapiti Coast District Council, as a Building Consent Authority, will issue a building consent once it is satisfied the application, together with detailed plans and specifications, demonstrate how the proposed work will comply with the Building Code.

*After 30 November 2009, the design documentation will have to be certified by a licensed building practitioner with an appropriate design license.*

Building consent documentation needs to fully detail the building work proposal as well as show how the building work will comply with the Building Code.

*[This is important because at the end of the project, the building work will be signed off if it has been carried out according to the approved building consent documentation].*

Making sure the paperwork is correct for the building consent application can avoid delays and reduce costs.

### Having good paperwork:

- helps any professionals on the project quote more accurately, make better purchasing and planning decisions and build according to the desired outcomes
- ensures a better paper trail exists should something go wrong
- ensures the building work carried out corresponds to the plans if you or a future owner need to carry out maintenance or further building work

### Applying for a building consent:

- application forms for building consents are available from Kapiti Coast District Council offices located in Paraparaumu, Waikanae and Otaki or can be downloaded from our web site [www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

- a fee is charged for this service and unless prior arrangements have been made must accompany the application. (Our current fee schedule is available from Council offices or can be downloaded from our web site above).
- completing the form requires some knowledge of the Building Code. (there is a check sheet available to assist with the application)
- if the information provided is incomplete the application may be declined and returned or further information may be requested which could lead to delays.
- building projects will need to include detailed plans and specifications as part of the application - these also need to demonstrate compliance with the Building Code and, *from 30 November 2009, parts of them will need to be certified by a licensed building practitioner with a design licence.*
- before making an application, go through the design in great detail as amendments once the building consent has been issued, and variations from the consented plans may lead to problems getting the work signed off. Variations require an amendment to the building consent.
- unapproved variations will mean the work does not comply with the approved building consent documentation, which means a code compliance certificate cannot be issued.
- once any fee balance has been paid the building consent will be granted.

**There are additional requirements for multi-unit residential buildings, commercial or communal buildings, or buildings with premises that are intended for public use:**

- Identify any safety systems or features such as lifts, fire sprinklers, or fire walls that are new or that will be affected by alterations - and identify what will be necessary to keep these systems working correctly in the future. These safety systems and features are known as specified systems - they require a compliance schedule and are subject to ongoing maintenance through the building warrant of fitness regime.
- If occupancy of the building will take place in stages, consider whether to make staged building consent applications - there are new offences relating to occupancy or use of premises intended for public use affected by building work, and new consumer protection measures around sale and occupancy.
- You may also consider making an application for a Certificate of Public Use if you proposed to occupy a portion of any public building during construction work undertaken under a current building consent.

*Note. Applications that require being sent to the NZ Fire Service Design & Review Unit will need to include a third set of plans and an additional fire report.*

## **The Building Consent Process**

**The Council has 20 working days to decide whether to grant or refuse a building consent application. If more information is requested, this can cause delays.**

**Generally applications for building consents are received either through the mail or delivered personally to our offices.**

**If delivered you will be asked to wait ( you may wish to make an appointment prior to lodgment) to enable the Council Approval Team to determine whether all relevant information is provided and the application contains sufficient information to enable the Council to determine compliance with the building code. *(Note this is not an in- depth technical review).***

**If at this point the Council Approval Team determine that the application is incomplete, your application may be declined and returned to you advising what additional information is required.**

**For applications received through the mail system, a similar process will take place. Applications deemed to be incomplete will be returned by mail and include a list of additional information that is required.**

**Once a completed application is accepted and the appropriate fee paid, the statutory 20 day time frame for the approval process will commence.**

**The approval process has a number of steps:**

- on formal receipt (described above) all documents received are scanned into our computer system
- documents are screened and the PIM process commences [for applications that include a PIM]
- a site inspection is carried out
- documents are technically reviewed by specialist staff which may include but is not limited to:
  - building structure
  - weathertightness
  - durability
  - safety from falling
  - plumbing & drainage

- outbreak of fire
- means of escape
- fire resistance
- control of fire & smoke
- environmental health (if health or food premise)
- liquor licensing (if licensed premise)

**It is possible that during this detailed review process deficiencies are discovered, including any comments from the NZ Fire Service Design Review Unit (if applicable) which may result in further information being requested. If this is the case the 20 day time period will be suspended until such time as the information is received. Once the requested information is received and verified the time period will recommence.**

**Once the above process is complete your consent will be granted or refused and if granted enabling work to commence provided there is no other approvals required (identified in your PIM).**

**When you receive your building consent you should read it carefully and contact us should you have any queries.**

## **Documents to support your Application**

### **Certificate of Title**

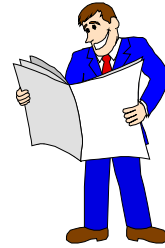
**In most cases a copy of the certificate of title (no older than 3 months) for the property is required. This identifies ownership, easements and other encumbrances which may affect the property.**

### **Completed KCDC Building Consent Application Pack**

**Kapiti Coast District Council provides an application pack which included;**

- application forms
- check sheets appropriate to your project

**These forms and check sheets are required to be completed and provided together with other information identified in this guide.**



## **5. Plans and Specifications**

**It is essential that plans and specification are detailed, specific to the project, and clearly demonstrate how compliance with the various clauses of the Building Code can be met.**

**The philosophy around the building consent process is to “get it right the first time” so that the better the detail and other relevant information provided, the smoother the process.**

**Listed below are the minimum requirements for plans and specifications accompanying a Building Consent application. The overall clarity and accuracy of the information is critical and can help to speed processing of the application.**

**Faxed plans are not acceptable.**

**If these minimum requirements are not met, Kapiti Coast District Council may consider that the application is incomplete, and will not accept them for processing.**

***NOTE: The recent Department of Building & Housing publication “Guide to Applying for a Building Consent (simple residential buildings)” is a useful publication which can be obtained from the Council Service Centres or down loaded from the department’s web site [www.dbh.govt.nz](http://www.dbh.govt.nz)***

## Paper to Use

Plans are to be drawn on good quality plain white paper, coloured or graph paper is not acceptable. Paper size should be in proportion to the size of the project being shown. Size A3 is preferred; plans drawn on A1 or A2 should have an additional copy reduced to A3 supplied with the application, (with reduced scale key).

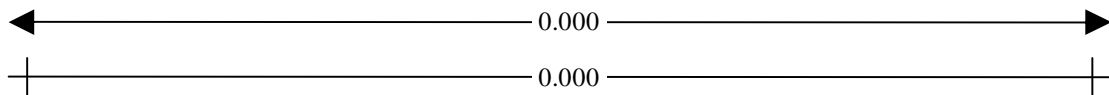
*NOTE: Kapiti Coast District Council is now digitally storing all plans and specifications lodged, if preferred, applicants may provide their documentation in digital form which will avoid the digital storage fee.*

## Colour

Plans need to be black on white for clarity. Computer generated shadings will be accepted if the clarity of the plan is not affected. Originals should be in black ink to give clear copies.

## Dimensioning

All parts of the plans are to be clearly and accurately dimensioned, in metres and millimeters. Dimensions should always indicate zero metres or millimetres: For example, 0.600 for six hundred millimetres or 3.000 for three metres. Dimension lines need to be identified by a cross line or arrow. For example:



## Number of Copies

Generally two copies of all documents are required by the Council unless otherwise stated on the check sheet available from Council offices or from our web site.

## Information to Be Shown On the Plans

The following information shall be shown on the plans provided:

### General

- north point
- a unique plan number
- the scale used
- legal description of the land
- street address and district
- area of the site in square metres
- date of drawing
- boundaries and street frontage
- name and contact details of the designer i.e. architect or draughts person.
- natural ground level
- existing and proposed ground contours ( accurately plotted )
- nett usable area
- actual dimensions between buildings and boundaries, and between other buildings on the site
- any significant natural features (e.g. stand of trees, water courses )
- cut and fill and the area involved, in square metres or cubic metres
- any compliance or non-compliance with the relevant rules from the District Plan (e.g. height control planes, yards, maximum height, site coverage calculations)
- elevations of any structures and compliance with the relevant daylight access plane
- outdoor living courts
- location and details of vehicle entry



## Construction Drawings

The following outlines the required construction drawings which should accompany your application.

Depending on the complexity of your project some or all of the requirements could be incorporated on one drawing.



### Site Plan: (recommended scale 1:200)

- north point
- legal description, legal boundaries and any easements
- building location including dimensions (in meters) to boundaries, water courses, and boundary fire ratings
- proposed finished floor levels and site datum
- location of existing and new services
- proposed/actual driveway location, site finishes (hard and soft) with levels and falls
- excavation details (cut and fill) and any proposed retaining walls
- existing buildings and site features
- natural hazards if known
- location of existing and proposed vehicle crossing

### Foundation/Concrete Floor Plan (recommended scale 1:100)

- concrete slab dimensions and any thickenings, including reinforcing and construction joints
- plumbing and drainage layout and should include the method of compliance proposed (e.g. NZ/AS 3500)
- footing width and depth
- steel size, type and placement
- mesh type and size
- damp-proof membrane
- control joints, saw cuts and supplementary steel requirements
- slab thickness, point loads or slab thickening
- specific design foundations supported by engineers information

### Subfloor Plan (recommended scale 1:00)

- foundation walls including reinforcing

- pile layouts with dimensions, pile type (anchor, brace or cantilever), bearer sizes (include any decks or pergola's)
- footing width and depth
- treatment level and size of piles
- treatment level, size and spacing of bearers
- subfloor bracing plan (include direction of subfloor braces)
- subfloor connection capacities, type and location
- subfloor ventilation (if not shown here must be included on elevation plans)
- location of subfloor access and decks

**Floor Framing Plan (recommended scale 1:100)**

*a separate plan must be provided for each level of the building*

- floor framing layout or joist layout including position of any blocking or horizontal support
- treatment level and size of joists
- location of plumbing fixtures and pipe layouts
- details of underfloor insulation

**Floor Plans (recommended scale 1:50 or 1:100) a separate plan must be provided for each level of the building.**

- floor levels relevant to the site datum
- overall dimensions of walls and other structural elements
- internal dimensions of all rooms
- bracing layout or clear reference to a bracing plan and schedule elsewhere
- lintel sizes or clear reference to a schedule elsewhere
- window and door locations and plan dimensions
- any special wall construction (sound, fire, acoustic, moisture control)
- room layouts and location of all internal fixtures and fittings
- staircase layouts
- plumbing diagram and location of plumbing fixtures (full schematic drawing required for two or more storeys)
- cross-section references, space numbers, door/window numbers
- references to detailed drawings
- outline of roof or pergola overhangs
- any electrical fitting required for compliance
- location of smoke detectors
- openings for services

### **Roof Framing Plan (recommended scale 1:50 or 1:100)**

- the method of construction (pitched or trussed)
- identification of framing/truss members
- truss design

*[Note: There has been considerable debate over the need and detail required to be supplied for truss designs. Our requirement is that a “buildable” design must be provided which covers not only the truss design but other areas of the structure which the truss design will impact on e.g. internal load bearing walls and slab thickening, truss loaded lintels, design loads identified, timber treatment, all truss fixings, stud to top plate and uplift fixing for specified lintels].*

- roof pitch and direction of falls
- location of gutters and downpipes (and overflows if internal gutters)
- roof bracing, point loads and any roof penetrations
- roof catchments and cross sectional areas for internal gutters (if not specifically detailed elsewhere)
- purlin/batten details (if not specifically detailed elsewhere)

### **Exterior Elevations (recommended scale 1:100 increased to 1:50 where exterior opening are not scheduled elsewhere)**

- all exterior elevations of the building
- relevant levels, overall height of the building
- windows doors and other openings, indicating size, opening type & direction
- cladding types
- cladding ground/deck clearance dimensions
- location of construction joints in claddings
- roofing types, roof shapes, pitch & overhangs
- skylights, chimneys & other openings through walls and or roofs
- gutters downpipes & vent locations
- exterior decks, stairs & balustrades
- references to any detail drawings
- reference to exterior face risk matrix

*(a valuable tool is the Department of Building & Housing publication “External Moisture-A guide to using the risk matrix” available from the DBH web-site [www.dbh.govt.nz](http://www.dbh.govt.nz))*

### **Cross Sections (recommended scale 1:50)**

- ground levels and levels relative to site datum
- wall heights
- window and door height dimensions
- framing sizes and timber treatment (or a reference to the specifications)
- construction details including wall, ceiling and floor linings
- roof and ceiling pitches
- floor slopes (gradients)
- stair/step pitch including tread and riser dimensions
- barrier heights and reference to specific details
- location of detail drawings

**Ensure that cross sections are provided to show any difficult or ‘tricky’ construction aspects of the building.**

### **Construction Details (recommended scale 1:20 or 1:10 depending on the complexity of detail)**

*Note: In the past the lack of detail has caused the most concern and has often resulted in poor on-site application and frustration for all involved in the project. We are focusing more on this aspect during our application assessment.*

**It is important that construction details illustrate and describe visual, structural and weatherproof design.**

**Construction details must provide specific design information for more difficult areas of construction such as:**

- steps in floor levels
- stairwell construction
- decks, including connections to building
- weathertight risk features (including door and window details)
- penetrations through building envelope
- junctions (including differing cladding materials)
- interfaces between and within major building elements
- barrier construction
- flashing details

**These requirements are targeted specifically at residential building but many of the aspects can also be applicable to commercial/industrial projects including those designed for public use.**

**However for commercial/industrial and public use building, other specific details will be required including details for**

- fire protection
- means of escape from fire
- mechanical services
- compliance schedules

**For applications that need to be sent to the NZ Fire Service Design Review Unit additional copies of specifications and fire reports will be required.**

**It is recommended that for those contemplating building projects, other than residential building, a meeting be arranged with our project team early in the design stage to discuss specific details.**

**Please contact our Approvals Team Leader on 04-2964-700 to make an appointment.**

## **Specifications**

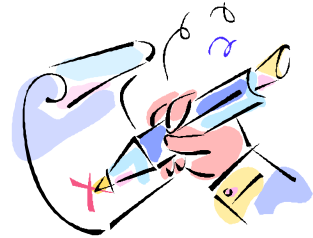
- two sets of specifications (unless indicated otherwise on application forms and check sheets) with relevant section headings are required
- specifications must be specific to the project and contain no irrelevant information
- the basic information such as site address, legal description and owners name and address, should be clearly shown

**Specifications should also include details of all materials and fittings (including specific installation details of proprietary products and systems) required for the project and indicate compliance with the various clauses of the Building Code.**

**Specifications can also contain construction details if not shown on plans.**

## **6. Producer Statements**

**A Producer Statement, while not specifically mentioned in the Building Act 2004, can be valuable additional information to assist Council in determining compliance with the building code. It may state that certain work will be carried out in accordance with certain technical specifications and complies with the NZ Building Code.**



**A Producer Statement could cover any of the following areas:**

- design
- design review
- construction
- construction review

**The Council may require Producer Statements to be submitted on forms prescribed by professional organizations involved in Producer Statements. (such as Chartered Professional Engineers, CPENZ )**

**Copies of calculations that form the basis of any Producer Statements must be included.**

### **Acceptance of Producer Statements**

**A Producer Statement is accepted at the discretion of the Council. The Council is still responsible for ensuring that compliance with the Building Code has been achieved.**

**The Council may accept Producer Statements from approved professionals who can demonstrate they are qualified, have expertise in the specific field and whose past history indicates that their work is reliable.**

**Periodic audits will be undertaken to verify the validity of producer statements.**

## **7. Other Approvals that may be required**

### **Resource Consent**

**If you wish to use land for a particular activity, erect a building, or additions to a building, or subdivide land, you must check the Kapiti Coast District Council District Plan to determine whether your proposal is a Permitted Activity. If your proposal is a Permitted Activity and complies with all the requirements outlined in the District Plan, you may proceed (once your Building Consent has been approved).**

**If your proposal is not a Permitted Activity, it may require Resource Consent. The Resource Consent process will vary depending on the type of activity you propose.**

### **What is a Resource Consent?**

**A Resource Consent is a permission given by a consent authority to use or develop a natural or physical resource and/or carry out an activity which affects the environment in some way.**

**Resource Consents sometimes include special conditions designed to ensure that any adverse environmental effects are avoided, mitigated or remedied.**

**Resource Consents help achieve sustainable resource management by regulating and monitoring the use of natural and physical resources.**

### **When do I need a Resource Consent?**

**You require a Resource Consent if your proposal is not allowed as of right in the Kapiti Coast District Council District Plan.**

**The type of activity you propose will be defined in the District Plan as permitted, controlled, discretionary, non-complying or prohibited depending on the extent of the impact on the environment. How your activity is defined will determine whether you require Resource Consent.**

**There are five types of consent. At Kapiti Coast District Council we deal with land use and subdivision consents, the three other types (coastal, discharge and water) are dealt with by Greater Wellington Regional Council. (some land use consents may also be dealt with by GWRC).**

#### **(i) Land Use Consent**

**A land use consent relates to the use of land and buildings and includes the construction of buildings. An application for land use consent is required where the whole or part of a proposed activity, or structure is not allowed as of right or does not fully comply with all of the relevant rules of the District Plan.**

#### **(ii) Subdivision**

**A subdivision consent application is required to legally divide land or buildings for separate ownership, such as new lots or sections, unit title, flat plans (cross-lease), or company lease.**

**For further information relating to the Resource Management Act 1991 please contact the Resource Consents staff at the Council.**

#### **(iii) Earthworks**

**Earthworks are governed by both the District Plan and Kapiti Coast District Council General Bylaw 1991. Site works by definition are building works and can be covered by a building consent. When this applies site works can only be undertaken after the building consent has been granted.**

## **Earthworks Permit**

**This activity is covered under clause 6.4 of the Kapiti Coast District Council General Bylaw 1991.**



**In relation to earthworks on any site where the level of the existing ground is to be changed by more than 600 mm or wherever more than 50 cubic metres ( in solid measure) of soil or material of any other description is to be placed or removed.**

**No person shall carry out earthworks within the scope of this Bylaw without first obtaining the written permission of the Subdivisional Engineer and then only in accordance with such terms or conditions as the Subdivisional Engineer may impose as being appropriate to the site, including neighbouring properties, having regard to the nature of the terrain in relation to consideration of safety, health, convenience, land stability, erosion, sedimentation and drainage.**

**Prior to the commencement of the erection or placement of a building, the erection of an addition, or alteration to a building on a site where earthworks have been undertaken in accordance with permission granted under this part of the Bylaw, the Subdivisional Engineer may require a certificate to be issued under NZS 4431:1978 (Code of Practice for Earth Fill for Residential Development) and/or that the foundations of the building be designed by a registered engineer.**

## **Residential Zone Permitted Activity Standards**

### **Earthworks**

**The following standards apply when carrying out earthworks for any activity such as constructing new dwellings and relocating buildings, building roads and access ways to building sites, subdivision lots, parks and parking areas. These standards do not apply to road maintenance activities within road reserves.**

#### **(i) Earthworks shall not be undertaken**

- On slopes of more than 28 degrees
- Within 20 metres of a waterbody, including wetlands and coastal waters, except cultivation of a field or domestic gardening. This standard shall not

apply to activities associated with maintenance of the watercourse or stormwater control.

- (ii) In any ponding area or overflow path, no earthworks shall involve the disturbance of more than 20 cubic metres (volume) of land or shall alter the existing ground level by more than 1.0 metre, measured vertically, in any 12 month period.
- (iii) In all other areas no earthworks shall involve the disturbance of more than 50 cubic metres [100 cubic metres in Rural areas] (volume) of land and shall alter the existing ground level by more than 1.0 metre, measured vertically, except that this standard shall not apply in respect of earthworks associated with approved building developments, subject to a building consent, provided that the earthworks do not extend more than 2.0 metres beyond the foundation line of the building in any 12 month period.

**A clause in the contract for any earthworks shall contain the following:**

**Should a waahi tapu or other cultural site be unearthed during earthworks the operator and/or owner shall:**

- (a) cease operations
- (b) inform local iwi
- (c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required
- (d) take appropriate action, after discussion with NZHPT, the Council and Tangata Whenua, to remedy damage and/or restore the site

**NOTE: In accordance with the Historic Places Act 1993, where an archaeological site is present (or uncovered), authority from the NZ Historic Places Trust is required if the site is to be modified in any way.**

**Can I build over a stormwater or sewer pipeline which has an easement registered over it in favour of Council?**

**Most easements specifically prevent building on the easement land or having any part of a building over hanging the easement. The main purpose of the easement is generally to allow the Council uninterrupted access in the future. A lot of easements also have restrictions on the level that the land can be built up to and in some instances there may be restrictions on planting.**

**In extreme circumstances an owner can make application to the Council to divert a Council main and have the easement uplifted. Acceptance of the application is**

**at the sole discretion of the Council and the applicant would have to pay all costs including the relocation of the main and any legal costs associated with it, and register an easement in favor of the Council over the relocated pipeline.**

### **The Councils services in private property which are not covered by an easement**

**The Council will not permit buildings to be built over council mains unless there are no other alternatives and the following conditions are met:**

#### **1. Specific foundation design**

**That the following conditions are registered on the certificate of title**

- a) in the event of pipe failure the owner is liable for all costs associated with repairs or replacement of the pipe under the building
- b) the owner is also liable for any damage to the building as a result of pipe failure or subsidence

**Where no other alternatives exist, an owner can make application to the Council to divert a council main to a new location. Acceptance of an application is at the sole discretion of the Council. The applicant would have to pay all costs including the relocation of the main and any legal fees associated with it and register an easement in favor of the Council over the relocated pipeline.**

**A removable carport is sometimes allowed to be built over a council main providing some specific conditions are met with regard to:**

- foundation details
- temporary building never to be closed in

**There are also some criteria about how close the building is permitted to those council services and would generally be 3.0 metres from the centerline of the main at a minimum, but this is determined on a case by case basis.**

## **Open drains in private property.**

**There are a number of restrictions with regard to open drains which pass through private property.**

1. There are planning requirements regarding how close you are allowed to build to open drains or streams. Generally the distance from them varies on the size of the stream and is treated on a case by case basis.
2. A lot of open drains throughout the District are covered by an easement in favor of the Council so for any work that is undertaken in or around the drain the Council should be consulted.
3. Any drain within the District which is covered by an easement in favor of the Council is generally maintained by the Council. This drain is maintained to a standard to receive flood flows and is not maintained for aesthetic purposes. Should an individual owner wish to maintain it to a higher standard than Council they may do so, but access should always be left available for the Council through the easement land. A Resource Consent may be required from Greater Wellington Regional Council and Kapiti Coast District Council if the earthworks are carried out in or within 20 metres of the drain or stream including piping of an open drain.
4. In the residential area in Paraparaumu a subsidy is available from the Council for piping open drains. This is normally a dollar for dollar subsidy up to a maximum of \$5,000 for any one project or property. There is a small budget for this of \$10,000 per annum and money is allocated on a first in first served basis for that financial year. This subsidy can be claimed by written application to the Council but it must be prior to work commencing.

## 8. Building Consent Fees and Charges

### Fees and Charges

The Council's fee structure for building consent applications are calculated on the actual time taken to approve the application plus the cost of carrying out the required (estimated) number of inspections during construction.



Most fees are based on the actual and reasonable cost of processing the application, however Building Research Association of NZ levies and the Department of Building & Housing levies are prescribed by legislation and are calculated on the value of the proposed building work.

The Building Regulations state that the value of the building work shall be the total of all goods and services to be supplied for the project. In all cases the value should reflect the market value and include site works, plumbing and drainage, all materials and labour, including recycled materials and “do it your self” labour.

The Council reserves the right to amend values if it believes the value stated is inconsistent with values submitted for similar work by other applicants.

Additional fees may be payable for vehicle crossings (if required) and applications may attract a refundable damage deposit.

*All applications are required to be accompanied by the appropriate fee.*

A schedule of fees and charges is available from the Council service centres in Paraparaumu, Waikanae or Otaki and can be downloaded from our website, [www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz)

## **Additional Charges and Refunds**

### **Additional Charges**

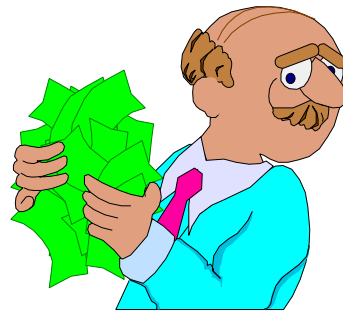
**The Council will make additional charges for its actual costs where these are more than the estimated fees charged. These charges will be based on actual time spent on the application and other costs, including additional inspections and administration. These additional charges will require payment prior to the uplifting of the consent or the issue of any Code Compliance Certificate.**

### **Refunds**

**Refunds will be made, in certain cases, where Council costs have been overestimated or costs have been less than the fee charged.**

**All deposits held by the Council will be refunded at the completion of the Building Project.**

***NOTE: Fees and charges are reviewed at the Council's discretion in accordance with section 690A of the Local Government Act 1974.***



**Once you have obtained your building consent you need to be aware of the next step in the process which will include arranging for inspections and any other statutory obligations which may impact on your building project.**

**To assist you in this, your building consent “plan package” will include another document titled NOW YOU HAVE YOUR BUILDING CONSENT. Please take time to read this document.**

## Appendix (i)

### Schedule 1

#### Exempt building work

A building consent is not required for the following building work:

- (a) any lawful repair and maintenance using comparable materials, or replacement with a comparable component or assembly in the same position, of any component or assembly incorporated or associated with a building, including all lawful repair and maintenance of that nature that is carried out in accordance with the [Plumbers, Gasfitters, and Drainlayers Act 1976](#):
- (b) the construction of any motorway sign, or similar simple structure owned or controlled by any network utility operator or other organisation:
- (c) construction of any retaining wall that retains not more than 1.5 metres depth of ground and that does not support any surcharge or any load additional to the load of that ground (for example, the load of vehicles on a road):
- (d) the construction of any wall (except a retaining wall), fence (except a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987), or hoarding of a height not exceeding 2 metres above the supporting ground:
- (e) the construction of any tank or pool and any structural support of the tank or pool (except a swimming pool as defined in section 2 of the Fencing of Swimming Pools Act 1987), including any tank or pool that is part of any other building for which a building consent is required,—
  - (i) not exceeding 35 000 litres capacity and supported directly by the ground; or
  - (ii) not exceeding 2 000 litres capacity and supported not more than 2 metres above the supporting ground; or
  - (iii) not exceeding 500 litres capacity and supported not more than 4 metres above the supporting ground:
- (f) the construction of any tent or marquee not exceeding 30 square metres in floor area and remaining in use for not more than 1 month:
- (g) the construction of any platform, bridge, or the like from which it is not possible for a person to fall more than 1 metre even if it collapses:
- (h) the construction of any temporary storage stack of goods or materials:

(i) building work in connection with any detached building (except a building that is required to be licensed in terms of the [Hazardous Substances and New Organisms Act 1996](#) or a building closer than its own height to any residential accommodation or to any legal boundary) that—

- (i) houses fixed plant or machinery, the only normal visits to which are intermittent visits for routine inspection and maintenance of that plant or machinery; or
- (ii) into which, or into the immediate vicinity of which, people cannot or do not normally go; or
- (iii) is used only by people engaged in the construction or maintenance of another building for which a building consent is required; or
- (iv) does not exceed 1 storey and does not exceed 10 square metres in floor area, and does not contain sleeping accommodation or sanitary facilities or facilities for the storage of potable water:

(j) building work in connection with the closing in of an existing veranda, patio, or the like so as to provide an enclosed porch, conservatory, or the like with a floor area not exceeding 5 square metres:

(k) any other building work in respect of which the territorial authority [(or, as the case requires, the regional authority)] considers that a building consent is not necessary for the purposes of this Act because that building work:

- (i) is unlikely to be carried out otherwise than in accordance with the building code; or
- (ii) if carried out otherwise than in accordance with the building code, is unlikely to endanger people or any building, whether on the same land or on other property.