

age of consent

Embarking on a building project can mean learning a whole new language. The key to unravelling the mysteries of consents, standards, building to Code, and what to do when things go wrong, is to develop a working knowledge of the Building Act.

Any home is a major asset and buyers are becoming increasingly wary of poor workmanship as they investigate the market. This gives homeowners a powerful incentive to ensure any work done around the house is carried out properly and that it is well maintained long after the job is completed. This is important, both for the current owner of a valuable investment, and for any future owners of the property.

So, what does the homeowner need to know? The Building Act is the principal law applying to building and construction. It covers what work needs to have a building consent, how it should be done and when it needs to be inspected by a council building inspector.

It all starts with a building consent, which is the council's approval to begin building work. A consent is issued when the council is satisfied that the proposed building complies with the Building Code.

Some basic undertakings don't require a building consent. These include structures such as a deck that is less than one metre above ground; a fence lower than two metres high, as long as it isn't a swimming pool fence; or a simple shed less than 10 square metres in floor area, that's no closer than its own height to boundaries and

other buildings. However, most building or renovations of any significance need a building consent.

The current Building Act has been in force less than a year, so anyone relying on past experience will find there have been some changes to the consent process. Today, more detailed drawings are required and the consent must be amended if any significant changes are made to the plans.

As building progresses, inspections are carried out at key stages to confirm that the work conforms to the plans and specifications. For those constructing a new home or undertaking extensive renovations, typical inspections are likely to include: foundations; framing; insulation; plumbing and drainage; and cladding and flashings. The council may have outlined a list of relevant inspections in the building consent, but if that's not the case, it's a good idea to find out before you start.

When the job is completed, it is the homeowner's responsibility to apply to council for a Code Compliance Certificate (CCC), which confirms that the finished work meets all the requirements of the Building Code. If an application isn't made, the council will follow this up two years after the building consent was issued. Many in the



construction industry, including officials at the Department of Building and Housing, are predicting that buyers in the future will be asking to see a CCC when it comes to considering a new property.

Aside from Code compliance provisions, the Building Act also includes a set of warranties to protect consumers when they agree to engage a tradesperson to carry out work on their property. The new warranties automatically apply, whether written into a contract or not. They include a guarantee that work will be carried out properly with reasonable care and skill, and that the materials will be suitable and – unless specified in the contract – new. If a homeowner believes their warranties have been breached, they can seek compensation through the courts.

In addition to the warranty provided by the Building Act, many building products have a manufacturer's or installer's warranty. The continuation of these warranties is usually dependant on the undertaking of maintenance as required by the manufacturer or installer.

To assist homeowners in understanding their rights and responsibilities, the Department of Building and Housing has produced the *The Building Act and You*, a booklet available from your council.

Alternatively, Consumerbuild – www.consumerbuild.org.nz – is a user-friendly website that will help guide you through the building process. It was developed in partnership between the Department of Building and Housing and the Consumers' Institute, and provides all the independent information you need to make informed decisions about your project. **H**

work requiring a building consent includes:

- > Structural building – additions, alterations, re-piling, demolition.
- > Plumbing and drainage, except the repair and maintenance of existing components.
- > Relocating a building.
- > Installing a wood-burner or air-conditioning system.
- > Retaining walls higher than 1.5 metres.
- > Fences or walls higher than two metres, and all swimming pool fences.
- > Swimming pools.
- > Decks, platforms, or bridges more than one metre above ground level.
- > Sheds greater than 10 square metres in floor area.
- > Some earthworks also require a building consent. Check with your council.

work not requiring a building consent includes:

- > A patio or deck at ground level.
- > Garden trellis less than two metres high.
- > Installing kitchen cupboards.
- > A small garden pond.
- > House maintenance, such as replacing spouting or a piece of weatherboard.
- > Building a small garden shed.