

## Building permit for a stage of building work

This updates the previous *Practice Note 2005-36* issued June 2006.

### 1. Summary

Section 20 of the Building Act 1993 (the Act), allows that where building work is proposed to be carried out in stages, a building permit may be issued specific to each stage of building work. A permit issued for a particular stage is a permit in its own right. This is different to previous legislation, the Building Control Act 1983, which allowed for the issue of one building permit with the release of documents in one of four stages of work.

Section 20 clearly states that a building permit may be-

- (a) a permit for the whole of the proposed building work; or
- (b) a permit for a stage of the proposed building work.

Listed below are the steps that must be followed for the building permit process together with some common questions asked of those steps.

- ▶ **The agent/owner may make an application to the Municipal Building Surveyor or appoint a private building surveyor to carry out all or any of the following functions**
  - (a) The issuing of building permits;
  - (b) carry out inspections of building and building works under Part 4 of the Act;
  - (c) The issuing of occupancy permits and temporary approvals under Part 5 of the Act.
- ▶ **Relevant building surveyor (RBS) is to provide notification to the Municipal Building Surveyor within seven days of the appointment (Section 80 Notification).**
- ▶ **Make application for a building permit for each proposed stage of building work.**

A Form 1 application for building permit

identifies the extent of building work to be carried out, the cost of building work for that stage (for the purpose of calculating the building permit levy) and nominates the building practitioners involved with that stage of building work.

- ▶ **Report and Consent from reporting authorities.**

A report and consent required by the Building Regulations 2006 (the Regulations) from a reporting authority needs to be obtained, and be relevant to the applicable stage of building work.

- ▶ **Provide relevant information to accompany the application, as required by Division 1 of Part 3 of the Regulations.**

The relevant building surveyor may exempt any of the information detailed in regulation 306 if he or she considers the requirements to be unnecessary or inappropriate for that stage of building work.

- ▶ **Issue of Building Permit.**

Building Permit to be issued for each stage of work in accordance with Form 1 application details.

- ▶ **Lodging of documents.**

A copy of approved documents to be lodged with Council for each permit issued together with lodgement fee.

- ▶ **Pay the building permit levy.**

This is calculated on the cost of the stage of

<sup>1</sup> See section 20 of the *Building Act 1993*

building work being undertaken, not the total cost of the building project. The Levy must be paid within the statutory requirements.

▶ **Include the appropriate prescribed council lodgement fee.**

Fee is determined in accordance with regulation 320.

In order to assist building surveyors with the interpretation of this issue some key questions and answers have been provided below.

#### **SOME KEY QUESTIONS AND ANSWERS.**

- Q. Do you need a separate appointment for each stage of building work?
- A. The Act is silent in the intent that each stage of a building work for which there is to be a building permit needs to have a separate appointment. It would be reasonable to accept that one letter could cover the appointment of the RBS for all stages of building work, which is a practical solution. (Ref. Section 20 of the Act)
- Q. Do you have to send Section 80 notification for each permit application.
- A. The Act does not stipulate that a separate notification is required for each stage of building work. One letter of notification listing all stages of the building work could be provided.
- Q. Can you have one application Form covering all proposed stage building works.
- A. An application is required for each stage building permit as there is information that is required and can only be applicable to that stage of building work. Regulations 306 still provides that the RBS can only exempt an application from requirements that would otherwise apply to the extent that they are considered unnecessary. This needs to be tempered by sections 17, 19, 20 of the Act. (Ref. 301-306 of the Regulations)
- Q. Can the one report and consent apply to more than one stage of building work.
- A. The report and consent needs to be relevant to the applicable stage of building work.