

How to apply for a building consent for solid fuel heating appliances

Do I need a building consent to install a solid fuel heating appliance (domestic fire / woodburner)?

Yes. There are safety issues associated with any appliance that contains fire so a building consent is required to ensure correct installation. In addition, a code compliance certificate is required when the building work is completed. (See below).

Do I need a building consent to install a second hand appliance?

Yes. If you are installing a second hand appliance it must first be inspected by an approved installer who must provide a written report confirming it is suitable for use and complies with the relevant emission and thermal efficiency standards (refer to section on NES standards).

Do I need a building consent to replace all or part of a solid fuel heating appliance?

Yes. If you are **substantially** replacing any part of the appliance, you require a building consent. If you are just replacing the firebricks or the flue, a building consent is not required. Regardless of whether a building consent is required, all work must comply with the Building Code. Please note: you can undertake maintenance on your current appliance without a building consent.

Do I need a building consent to relocate a solid fuel heating appliance?

Yes, even if it is only being moved from one side of a room to another, a building consent is required. Further, it needs to be inspected by an approved installer, who must provide a written report confirming it is suitable for use and complies with the relevant emission standards (see below). The report must accompany the building consent application.

Do I need a building consent to install an outdoor fire?

No, any type of outdoor fireplace including masonry and brick open fires, fire pits and heat recirculating open fires (metal fireboxes with open fronts) can be installed outdoors in the Auckland region without building consent. Please note: Resource consent may be required even though a building consent is not.

What information do I need for building consent?

All applications for building consent must be supported by sufficient evidence to demonstrate compliance with the New Zealand Building Code. Refer to the AC1016 Solid fuel heating appliance lodgement checklist available on our website for details on all the information required for a successful building consent application.

Is the installation of a solid fuel heater classified as restricted building work?

Yes, as of 1 March 2012 any **new building work**, which affects the primary structure (roof framing) or external moisture system (roof cladding) of a residential building, is classified as restricted building work (RBW). Only a licensed building practitioner can undertake restricted building work.

What does the term new building work mean?

For the purposes of determining whether the installation of a solid fuel heating appliance is restricted building work, the term new building work means the construction of a new dwelling or an addition to an existing dwelling, which involves new roof framing and / or new roof cladding. (Restricted building work only affects residential dwellings and apartments).

If you are installing an appliance into an existing house and you are not replacing or affecting the existing roof structure or cladding (other than making a hole for the penetration of the flue) it is not deemed restricted building work.

Is an approved installer the same as a licensed building practitioner?

No. An approved installer is a person who has been identified as having the appropriate skills and expertise to install an appliance and has been approved by Council to install the appliance. If an approved installer is used, this negates the need for a Council inspection.

Please refer to Councils Producer Statement Authors register for a list of approved installers.

A licensed building practitioner is a person who has had their skills and expertise assessed by the Ministry of Business, Innovation & Employment and approved to design or carry out construction for certain license classes. At present, the Ministry have not approved a license class for the installation of solid fuel heating appliances.

How do I apply for an exemption if the work is deemed restricted building work?

All you need to do is request an exemption under Schedule 1 exemption 2 of the Building Act; you can do this by ticking the appropriate box on the building consent application form.

Do I have to advise Council if I am using an approved installer?

Yes, you must advise Council if you are using an approved installer and we will require a producer statement on conclusion of the installation. If you are using an approved installer please complete an agreement to provide a producer statement construction.

Please refer to Councils Producer Statement Authors register for a list of approved installers.

What if I am installing a wetback?

Details of the installation and pipework are required to be detailed on your plans and appliances should be installed by a certifying plumber or a registered or licensed plumber under the supervision of a certifying plumber.

What fees are payable on these consents?

A fixed processing fee applies per appliance; if the applicant has agreed to provide a producer statement construction (PS3) from an approved installer, the inspection fee may be waived (does not apply if wet back installed).-

| SFH appliance | PS3 provided | Fee | Comment |
|-----------------|--------------|------------------------|--|
| With wetback | N/A | Fixed fee + inspection | Should be installed by a certifying plumber or a registered or licensed plumber under the supervision of a certifying plumber. |
| Without wetback | N/A | Fixed fee + inspection | |
| Without wetback | Yes | Fixed fee only | Must be installed by an approved installer |

Please refer to our fee schedule for these costs.

<http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/Pages/feesandtimeframes.aspx>

Are there any other relevant rules / regulations?

Yes. There are two sets of regulations that control domestic fires in the Auckland region:

1. The National Environmental Standards (NES); and
2. Auckland Regional Council (ARC) Air, Land and Water Plan

The National Environmental Standards (NES)

All solid fuel heating appliances must be tested and show compliance with the NES emission and thermal efficiency standards. The emission standard means it is illegal to use any wood burner that was installed after 1 September 2005 (on a site less than two hectares) that does not comply with this standard.

The NES defines a woodburner as a domestic heating appliance that burns wood, but does not include:

- an open fire
- pellet burner
- coal burning heater; or
- stove that is designed and used for cooking

Note: the above exclusions must still comply with the ARC Air, Land and Water Plan (refer to section below for further information).

The NES are nationwide regulations that restrict the discharge of particles into air from woodburners. They require new woodburners installed on properties of less than two hectares to meet:

- a) A particle emission rate of less than 1.5g/kg (grams of particulate per kilogram of wood burnt); and
- b) A thermal efficiency of at least 65% (percentage of thermal heat produced in comparison to the amount of energy available).

Auckland Regional Council Air, Land and Water Plan

Under this plan there are rules controlling what types of domestic fires you can install and how these fires must be operated to help reduce the effect domestic fires may have on your health – and to stop any nuisance being caused to your neighbours from smoke, ash or smells. The rules require that domestic fires:

- a) Not cause a nuisance to neighbours from smoke, ash or smells; and
- b) Meet a particle emission rate of 4 g/kg or less for new domestic fires in urban areas.

Domestic heating appliances (including open fires) that were installed before 1 September 2005, and those in rural areas, are allowed to continue but need to ensure that their emissions do not pose an unacceptable risk to human health beyond the site boundary.

Reference material

Ministry for the Environments

www.mfe.govt.nz/air/home-heating-and-authorised-wood-burners

Auckland Council Producer Statement Register

<http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/Consent%20documents/ac2324producerstatementauthorsregister.pdf>

Auckland Council Producer Statement Construction (PS3) solid fuel heating appliance

<http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/Consent%20documents/ac2327producerstatementconstructionps3solidfuelheating.pdf>

Table 1: Rules for domestic fires installed after 1 September 2005

| Quality Management Area | Property size (in ha) | Rules for domestic fires |
|-------------------------------------|------------------------------|---|
| Rural areas | Greater than or equal to 2ha | Domestic fire permitted |
| | Less than 2ha | Woodburners must meet a particle emission rate of <1.5g/kg and a thermal efficiency rate of >65% (NES) |
| | Less than 2ha | Other domestic fires permitted |
| Urban, coastal and industrial areas | Greater than or equal to 2ha | All domestic fires must meet a particle emission rate of <4g/kg (PARP: ALW) |
| | Less than 2ha | Woodburners must meet a particle emission rate of <1.5g/kg and a thermal efficiency rate of >65% (NES) |
| | Less than 2ha | All domestic fires must meet a particle emission rate of <4g/kg (PARP: ALW) |

For further information, please refer to

<http://www.aucklandcouncil.govt.nz/EN/environmentwaste/Pages/Home.aspx>

How do I find out what zone I am in?

Zoning requirements mentioned in Table 1 above are not the same as those in the District Plan. You will therefore need to check with your local council office to determine compliance for rural areas. Please note: Not all properties larger than two hectares are in the rural zone.

What is a code compliance certificate?

A code compliance certificate (CCC) is a certificate issued under section 95 of the Building Act 2004. Council issues this certificate on completion of the project to confirm all building work has been carried out in accordance with the building consent and is completed.

Please note: Under the Building Act it is the property owners' responsibility to apply for a code compliance certificate

Why do I need to install smoke alarms?

The Building Act 2004 triggers a requirement for all buildings to be upgraded when any work requiring a building consent is carried out. This includes the requirement to install smoke alarms. For information about how and where to install domestic smoke alarms please refer to Practice Note AC2209 Domestic smoke alarms on our website.

<http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/buildingconsents/Pages/publications.aspx#practicenotes>

What if my appliance was installed without a building consent?

If a solid fuel heating appliance has been installed without a building consent, Council cannot issue one retrospectively. You will need to apply for a Certificate of Acceptance and provide a third party report verifying that the appliance is safe to be used and complies with the air emission and thermal efficiency standards. Please refer to the document AC1805 'How unauthorised building work is assessed' (available on our website) for further information on this process.

<http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/buildingconsents/Pages/certificatescompliance.aspx>