

# Restricted building work & licensed building practitioners



In March 2012, the Government introduced new residential building rules affecting homeowners and those in the building industry known as **Restricted Building Work (RBW)**.

These rules apply to residential design and construction work that is critical to a building; RBW must only be carried out or supervised by a **Licensed Building Practitioner (LBP)**.

## Why are these changes being made?

The Government implemented these changes to help improve the quality of building in New Zealand and to increase the accountability and ongoing professional development of the building industry.

## How do I know if my residential work is Restricted Building Work?

If your residential building work is structural or if it affects the weathertightness of the building, the work may be RBW. RBW only relates to residential construction, alterations and design of houses and small to medium sized apartment buildings (including fire designs for the latter).

### A house is:

- a free-standing, fully detached building consisting of a single residential unit

### A small to medium sized apartment is a building that:

- contains two or more residential units (apartments) or residential facilities (foyer, laundry, garage, etc)
- does not contain commercial units or facilities
- has a maximum height of less than 10m (the vertical distance between the highest point of its roof – excluding aerials, chimneys, flagpoles and vents – and the lowest point of the ground)

### Restricted Building Work seeks to do two things:

1. ensure that critical design and building work is carried out or supervised by competent persons
2. ensure that those persons can be held to account if this work ends up being not up to standard

The rules mean that you **MUST** employ a LBP to **design, carry out or supervise** certain building work.

**If a residential building project does not require a building consent, it is not considered RBW.**

## Who is a Licensed Building Practitioner?

Only LBPs can design, carry out or supervise RBW. LBPs are people who through assessment have shown they meet the standard of skill and competence in particular areas of building practice:

They include:

- Designers (Registered architects and chartered professional engineers are automatically treated as Design LBPs)
- Carpenters
- Roofers
- Bricklayers and blocklayers
- External plasterers
- Foundations

There are separate licences for each of these building practitioners and licences recognise they are competent in their specialist areas. (Some tradespeople may have more than one licence).

It is your responsibility as the homeowner to check that the people you are using to do your RBW have the relevant licence. LBPs can only complete RBW that they are licensed to carry out. It is important that

you check with them that they have the relevant licence before you start your work. To find out if your local tradesperson has a licence visit <http://www.business.govt.nz/lbp>

If a homeowner building consent application was lodged with the council before 1<sup>st</sup> March 2012, these rules do not apply.

## The new process for submitting building consent applications if you are doing Restricted Building Work:

### Step 1 – Homeowner talks to council to get information about building consent process

Click here for more information on the building consent process <http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/buildingconsents/Pages/processingandinspections.aspx> or contact the Council on 301 0101 or you can visit one of our customer service centres <http://www.aucklandcouncil.govt.nz/EN/ContactUs/customerservicecentres/Pages/home.aspx>

### Step 2 – LBP (Designer) designs RBW

Submit your plans and specifications to the Council, along with a Certificate of Design for the work to be carried out.

### Step 3 – Building consent application is lodged with Council

Attach the Certificate of Design to your building consent application and include the names of all LBPs who will be doing or supervising the RBW (if those names are known at this time).

### Step 4 – Building consent is granted and issued by Council

Your building consent application is processed, during this time you may be asked to submit further information. Once granted and issued, work may commence.

### Step 5 – Construction begins

RBW can only start when the name(s) of the LBP(s) involved in the initial construction phase have been provided to the Council. The names of other LBPs who will be involved later in the work also need to be provided before their part of the work begins.

### Step 6 – First stage of Restricted Building Work is complete and inspection takes place

Once you have notified council in writing or registered the names of the LBPs involved with construction, the first inspection may be booked by calling (09) 3010101. <http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/buildingconsents/Pages/LBPform.aspx>

### Step 7 – Pass or Fail stage of a Restricted Building Work

It is important that both the LBP and the homeowner fulfil their RBW requirements. If not, the council may stop the work by issuing a 'notice to fix' or issuing a warning. If the work is not carried out by, or done under the supervision of a LBP, both parties could be fined up to \$20,000.00.

### Step 8 – Each LBP completes their part of the job

Each LBP involved in the project needs to provide a memorandum (Record of Work) to the homeowner and the council. If an LBP leaves the project and is replaced by a different LBP, you must notify the council about the change.

# Restricted Building Work – Code Compliance Certificate process:

## Step 1 – Final inspection

You will need to book a final inspection by calling Council on (09) 301 0101.

## Step 2 – Homeowner submits an application to council for a Code Compliance Certificate (CCC)

When you submit your application to council for a Code Compliance Certificate, this will need to include all memoranda (Records of Work) provided to the homeowner by the LBP(s).

## Step 3 – Council checks that all memoranda (Records of Work) align with the RBW.

Council carries out their non-Restricted Building Work-related checks and may request further information.

## Step 4 – Code Compliance Certificate Issued

A code compliance certificate is a formal statement issued under section 95 of the Building Act that building work carried out under a building consent complies with that building consent.

For more information, visit Ministry of Business Innovation & Employment  
<http://www.dbh.govt.nz/building/builditright>