



Westland District Council Building Control

Guidance on Fees and Charges

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Introduction

What is this document

This is a guidance document for the Building Control departments Fees and Charges for the Westland District Council (Council). It describes the charges that are payable to Council for a range of Building Consent Authority (BCA) and Territorial Authority (TA) activities, how they are set and what they include.

All of the charges are made under sections 281(a) to 281(d) of the Building Act 2004 (referred to in the document as BA04), following special consultative procedures of the Local Government Act 2002.

Our Philosophy

The building group has an emphasis on the beneficiary pays principle; those who benefit from the services provided by the building group are expected to pay the full costs of that service. That way the burden does not fall to the ratepayer. The charges in this document reflect that philosophy.

Purposes of the Building Act 2004

Council's building control department manages the purposes of the BA04 as follows:

- (a) To provide for the regulation of building work, the establishment of a licensing regime for building practitioners and the setting of performance standards for buildings to ensure that –
 - (i) The people who use a building can do so safely and without endangering their health; and
 - (ii) A building has attributes that contribute appropriately to the health, physical independence and wellbeing of the people who use them; and
 - (iii) The people who use a building can escape from the building if it is on fire; and
 - (iv) A building is designed, constructed and able to be used in ways that promote sustainable development.
- (b) To promote the accountability of owners, designers, builders and building consent authorities who have responsibilities for ensuring that building work complies with the Building Code.

Customer Service

We are a customer service organization. We want to provide you with excellent service both with how we deal with you and by ensuring the building is built in accordance with the consented plans and specifications and complies with the building code. You have a right to good service which comes with the payment of your charges. To this end, the charges in this Policy are:

- Reasonable, fair and consistent to cover costs to provide the service.
- In accordance with the BA04.
- Reviewed annually to limit significant changes to charges.
- Set to reduce burden on ratepayers who should not subsidize user pays fees.

Charges must be lawful, reasonable and fair

The Council can only levy charges which are allowed by sections 281(a) to 281(d) of the BA04.

The sole purpose of a charge is to recover the reasonable costs incurred by Council in respect of the activity to which the charge relates (section 281B - BA04).

Charges must be fair and relate to consent holders' activities. Council can only charge consent holders to the extent that their actions have contributed to the need for Council's work.

Where possible, Council will look for opportunities to streamline and improve processes to ensure that compliance monitoring functions continue to be cost effective and efficient.

Charges do not recognize the effects of location

In a district having lengthy and varied travel routes, charges are set so that no one is penalised by location. Fees for building control functions will be the same regardless of travel time to the location. Council will provide the same service for the same price.

Responsibility for payment of fees

The owner/agent on Council's records will be liable for payment of any fees or charges incurred in respect of that application/consent. They are also entitled to receive any refund due in respect of that application/consent.

Typical Costs included on a building consent invoice

Consent Fee

BRANZ levy

Inspections (4 inspections)

Compliance Certificate

Processing Fee (12hrs 15mins)

Processing Fee (Vetting 1hr Admin 25mins)

MBIE Levy

BCA Accreditation Levy

RMA Compliance Check

Objective Build Levy

Insurance Fees

Less deposit paid

The following table explains these fees and others that are charged by the BCA and TA of Westland District Council.

Building Consent Fees – what is included

All fees are independently calculated and are set to include appropriate cost content. This section is a breakdown of each fee and what they cover. The current fees can be viewed in the Council Fees and Charges document.

All fees include a component of the following:

- Staffing costs
- Training costs
- Accreditation requirements
- Competency assessments
- Affiliated body fees
- Subscription to Standards NZ
- Technical support & audits
- Supervision
- Office equipment
- Software
- Hardware
- Software support
- Record Management
- Quality Management
- Technical Auditing
- Vehicles
- Site Equipment
- Legal fees
- Insurance
- Overheads

Item	Description
Building Consent Fee	The consent fee covers the cost of issuing the building consent with its associated documentation.
Code Compliance Certificate Fee	The code compliance certificate fee covers the time to gather and assess required documentation, process the application and issue the certificate. Extra time spent on communication for missing documents is charged at the hourly processing rate.
Inspections	There is a flat fee per inspection which includes time travelled regardless of the distance and inspection time and transport costs. Each consent will have the number of inspections needed assessed at processing and will be listed on your consent and invoice. If re-inspections are required or any inspections are not needed, the difference will be calculated at CCC application and an invoice or credit note raised.
Inspection fees for multiple buildings	Where multiple buildings are built under one consent, each building will have its own list of inspections and will be inspected and recorded separately. Each inspection creates the same workload so they are charged separately, even though some may occur on the same day.
BCA Accreditation levy	This funds the cost to maintain accreditation as a Building Consent Authority. There is a comprehensive process that Council has to undertake to demonstrate its suitability to receive, grant, inspect and certify building consents. Every 2 years we are required to undertake a Government audit and this fee funds the associated costs. This includes ongoing quality assurance, annual internal audits, biennial competency assessments for all staff that undertake a technical duty, supervision of staff as they increase competency levels and annual training requirements for staff as required by their competency assessments.
Objective Build charges	Objective Build charges a fee for every consent, consent amendment and PIM issued in their system. This is not a fee set by Council, but by Objective. We collect it and pass it on to them.
Compliance check – RMA	<p>Each Building Consent application is assessed by the Council's Planning Department to ensure it complies with the District Plan and the Resource Management Act 1991. The time spent undertaking this assessment is charged to the applicant.</p> <p>If a Resource Consent is required, the Planning Team will confirm why it is necessary and can provide guidance on the process or arrange a pre-application meeting.</p>

Item	Description
Processing	<p>The processing charge is an hourly rate detailed in the Fees and Charges. Processing is often the largest portion of the cost of a building consent as it is a detailed assessment of the project plans and specifications to the New Zealand Building Code. It includes any requests for further information and time spent in communication with the applicant. Guidelines for processing times are as follows :</p> <p>12 hours for Residential 1</p> <p>14 hours for Residential 2</p> <p>16 hours for Res 3</p> <p>20 hours plus for Com 1</p> <p>20 to 30 hours plus for Com 2 or 3</p> <p>These times are for applications with complete documentation and most of the relevant details. Applications that are incomplete, nonspecific or complex in other ways may go over these timeframes.</p> <p>Processors are required to hold an appropriate qualification and undertake competency assessments to assess their level or knowledge appropriate to the construction type.</p>
Processing – vetting and administration	<p>These charges are hourly rates for non-technical checking and processing of the application.</p>
Government levies	<p>BRANZ and MBIE charge separate levies as a percentage of the value of works over a certain amount. They are set by the relevant government organisation and can be found in the Councils fees and charges document.</p>
Insurance Levy	<p>This fee contributes to Councils costs relating to insurances costs to cover the BCA for civil liability claims and in the event of legal or insurance claims being made against council and includes legal fees. When council issues a Code Compliance Certificate, it has a 10 year liability period under the building act.</p>

Item	Description
Amendments	<p>An amendment is required when there are proposed changes to the approved plans and specifications. This is more onerous than a minor variation and may be a different method of compliance. It must be processed by a competent staff member. (You must not undertake these works prior to an amendment being approved. If you do it renders that work un-consented and therefore a breach of the BA04).</p> <p>The full amendments fee is set up as follows:</p> <ul style="list-style-type: none"> • Application and administration fee. • Processing at hourly rate including all requests for further information. • Additional inspections required. • Any additional levies required if the amendment has resulted in an increase in overall project value. • Quality Assurance fee
Minor variation	<p>These are minor variations to issued Building Consents that do not deviate significantly from the approved plans and specifications. Example: it could be a substitution with a similar product or a minor bracing change. These types of changes must be approved and recorded. There is a fixed fee plus hourly processing.</p>
Spaceheater Consent	<p>This is a combined fee which has all the charges, including 30 minutes processing and one inspection. Additional processing will be charged for inadequate or incomplete applications and any extra inspections if needed.</p>

Other Building Control charges

Item	Description
Project Information Memorandum (PIM)	<p>These charges apply where a PIM is requested prior to applying for a Building Consent, for applications where the applicant requests a Building Consent and a PIM, for all consents done by standalone BCAs and for all exemptions under Schedule 1A Small Standalone Dwellings. PIMs deal with the planning implications associated with the proposed building project, any council infrastructure i.e. water, stormwater and sewerage and any building matters if they are relevant i.e. natural hazards, easements etc.</p> <p>They have a set rate plus processing time and may include additional fees for receiving documents required to be supplied (standalone BCA's and 'Granny Flats' – small standalone dwellings).</p>
Withdrawal of a consent prior to issuing or Refusal to issue	<p>If an applicant wishes to withdraw a Building Consent application prior to the consent being granted, they will be charged a set fee to cover administration to update the system and transfer documents from the BCA to the TA plus any processing costs incurred up to the point of withdrawal.</p> <p>The same charges will apply to applications where the BCA refuses to issue the consent because the applicant has failed to show compliance with the Building Code.</p>
Lapsing of consents	<p>The lapsing fee covers the time to lapse the application, recording the reasons, transfer the files from the BCA to the TA and send letters advising of the process. BA04 requires that work must commence within 12 calendar months from the anniversary of the issuing of that consent. If work has not commenced within the 12 month period and/or the applicant has not requested an extension to the life of the Building Consent, the consent will automatically lapse. At this point of time, Council will credit the inspection costs and code compliance certificate costs back to the person who paid the invoice.</p>
Extension of Time for BC or CCC	<p>This is a set fee for the administration and BCO technical decisions and recording of decisions and sending letters to consider and grant an Extension of time. If an extension is granted, the BCA will not have to refuse the CCC.</p>
Notice to Fix (NTF)	<p>When a contravention against the BA04 is discovered by the TA or the BCA, the TA or BCA must issue a NTF. The servicing of this notice will be charged to the recipient.</p> <p>The fee includes the initial investigation and record keeping, onsite inspection, travel to and from site and time on site. Time spent working on or issuing the notice is also charged to the recipient.</p>

Item	Description
Investigation fees to determine compliance with the BA04	<p>This fee is a standard inspection charge for investigating structures built without consent or non-compliant with the BA04.</p> <p>It is requirement of a Territorial Authority to undertake these investigations. Non compliances identified may be subject to further enforcement measures.</p> <p>If structures are identified as built in accordance with Schedule 1 (exempt building work), this is recorded on council databases and no further enforcement action is required.</p>
Certificate of Acceptance (CoA)	<p>There are two types of fees for COAs: COA Emergency works and COAs all other works.</p> <p>COA – Emergency works. This is as specified in the BA04 Sections 41 and 42. The definition of urgent work is “for the purpose of saving or protecting life or health or preventing serious damage to property”. It does not include choosing not to get a consent. The fee advertised here represents the application fee only. The application fee includes the deposit, planning check, lodgement and all administration. All other fees are charged prior to the COA being issued. A full breakdown of these fees is outlined in the COA fees section.</p> <p>The BA04 states that all fees and charges had you got a consent will be payable as well.</p> <p>COA for all other works (BA04 Sections 96-99) have a higher flat fee plus any fees and charges that would have been payable had a building consent been applied for, including processing.</p>
Discretionary exemptions (Schedule 1 & 2)	<p>Building work can be done without the need for a Building Consent at the TA’s discretion in certain circumstances. There is a formal process to go through prior to undertaking this kind of work and the TA must be satisfied that:</p> <ul style="list-style-type: none"> (a) <i>The completed building work is likely to comply with the Building Code; or</i> (b) <i>If the completed building work does not comply with the Building Code, it is unlikely to endanger people or any building, whether on the same property or on another.</i> <p>This includes an Exemption Fee, time to process the application and an objective build fee.</p>

Item	Description
Compliance Schedule and Building Warrant of Fitness	<p>These fees identify the charges for all activities related to the Specified Systems in a building and therefore the Compliance Schedule and the Building Warrant of Fitness. These activities include:</p> <ul style="list-style-type: none"> • New Compliance Schedule - administration fee (flat fee, charged one-off) plus a generation fee (chargeable on each Specified System being added). • Amendment to Compliance Schedule (chargeable on each Specified System being added/amended/removed). • Annual charge for receiving and checking a Building Warrant of Fitness. •
Compliance Schedule/ Building Warrant of Fitness Audit fee	<p>This fee represents any audit/inspection that is done to audit Compliance Schedule and the Building Warrant of Fitness (including re-inspections), as required by the Ministry of Business, Innovation and Employment, for a building with Specified Systems. Such inspections are a set fee which includes travel to and from the site and the time spent on site for the inspection. Additional time to prepare and to complete the audit, update systems, and records are charged separately at the hourly processing rate. This means that the time spent on your audit is charged accordingly, and any additional work is charged where it belongs.</p>
Swimming Pool - Barrier Inspection fees	<p>This fee represents the additional inspection that is outside the inspection allowance for the 3 yearly pool barrier audit inspection. It covers the same costs as an inspection.</p>
Waiver/Modification for durability or other code clause	<p>Set fee to capture and record the decision making, researching the code clauses, updating records, issuing the waiver/modification, update MBIE of the issue and providing a copy to the owner.</p>
Certificate of Public Use (CPU)	<p>Section 363 of the BA04 states that a building must not be occupied without a CPU. This fee covers the accepting and vetting of the application, researching and reviewing the documents, checking the PS3's, PS4, and commissioning certificates of the specified systems, and that the building will be safe for the public to use.</p>
Signing of Certificates for lodgement (s 72 and 75)	<p>The Council must check documents lodged for these types of certificates for legal description, title references, legal ownership and legal location. The document is then provided and signed by the CE and returned to the building department to update the records and add conditions to the consent, record the document and provide to the lawyers to register.</p>
Section 124 notice	<p>Cost to investigate, inspect on site, consult with owners, neighbours (if affected buildings), research and consider the legislation in regard to a dangerous, affected or insanitary building. It may include technical advice from a fire or structural engineer or other building official.</p>

Item	Description
Certificate of Compliance (DLA)	This is done in conjunction with an application for an alcohol licence. It requires a file and building code assessment undertaken to determine if the existing fire and sanitary facilities comply for the building.
File lodgement fee for TA to accept BCA records	This includes the TA receiving, recording and updating the electronic records, transferring into the record management system and updating statuses for future LIM reports.

Payments

Payment system

The invoice for the remaining consent fee is sent out shortly after the Building Consent is granted. The invoice should be paid to Council by the 20th of the month following the month of granting the invoice. The consent is valid upon payment of fees and we are unable to undertake any inspections if the invoice is not paid in full.

Miscellaneous charges

This sets out all other activities undertaken by the department for the BCA and TA. The details of charges are set out in the appendages at the end of this document. They can also be viewed on the Council's website at www.westlanddc.govt.nz.

Consultancy fees

Some Building Consent applications will require peer reviews and/or specialist advice. Any such review and/or advice will be surcharging on to the applicant or their agent as part of the fees and charges payable for the issued consent. This surcharge for the process will be added to the cost and will be per our fee system, as advertised on the Council's website.

Charge out rate

This is the advertised hourly rate that covers for processing/administration work carried out by the Building Control Officer. Different categories of staff are applicable to reflect the differing levels of knowledge, experience, competency, training and expertise. The appropriate staff member is determined depending on what is required for the project.

Debtors and Unpaid Charges

Under this Policy, debtors and unpaid charges are treated like any other outstanding amount owed to Council. An outstanding debt will be pursued according to Council's procedures.