

## 1. Purpose

The purpose of this practice note is to provide some clarity around the content and requirements of the Certificate of Design Work (CoW), which is provided in respect to Restricted Building Work (RBW).

## 2. Legislative requirements

[Section 45 \(2\) Building Act 2004](#) states: “if an application for a building consent is accompanied by plans and specifications that contain design work (relating to building work) that is RBW, that design work must be carried out or supervised by one or more licensed building practitioners who are licensed to carry out or supervise that work.”

[Section 45\(3\) Building Act 2004](#) states: “the plans and specifications that contain the design work must be accompanied by a certificate of work: -

- a) provided by one or more licensed building practitioners who carried out or supervised that design work; and
- b) that identifies that design work; and
- c) that states: -
  - i. that the design work complies with the Building Code; or
  - ii. whether waivers or modifications of the Building Code are required and, if so, what those waivers or modifications are

## 3. Restricted Building Work (RBW) - Design

An application for building consent must include a CoW if the design involves RBW. The design includes the preparation of any drawing, specification or other documentation required to demonstrate compliance with the Building Code.

Only a Licensed Building Practitioner (LBP) can design or supervise the design of RBW and issue a CoW. If the designer does not provide a CoW the application cannot be accepted.

The Regulations require that the following design elements be designed or supervised by an LBP: -

- the primary structure,
- external moisture management system, or
- the fire-safety system

For a full list of definitions refer to the [Building \(Definition of Restricted Building Work\) Order 2011](#)

## 4. Definitions of house and small to medium apartment buildings

The following definitions are taken from the [Building \(Definition of Restricted Building Work\) Order 2011](#).

## 5. Certificate of Design Work (CoW)

The memorandum (CoW) is a regulated form (Form 2A) and must contain all information prescribed on it. The designer can print this form onto their own letterhead or attach a logo, however they cannot alter the content.

All parts of the design of RBW must be included in the CoW.

Council will only accept a building consent application if the CoW has been completed in a manner that confirms all aspects of the RBW is covered. A CoW comprises of a number of pages and therefore, must be able to be identified as a single document.

There will be situations when more than one designer has done Design for RBW. In these cases, all the designers involved need to make sure their information aligns with any others involved in the application. This is so that when the Memorandum (Certificate of Design Work) are read together it is clear to the council that all the Design RBW has been done or supervised by LBPs licensed in the Design class.

A designer may choose to cover all RBW including the work performed by another LBP. In this case the designer must provide a CoW covering all elements of design.

An engineer will often design foundations based on an investigation by a geotechnical engineer. In this case, a CoW is not required from the geotechnical engineer as sub-surface investigation is not RBW. In the event that the soil needs to be strengthened, such as might be the case where soils are affected by liquefaction or other types of instability, then such strengthening is part of the RBW and must be included in the CoW.

It is the lead or sole designer's responsibility to ensure that all aspects have been incorporated into the overall design. The lead or sole designers must provide all supplementary design and proprietary product information as part of the building consent application and note on the CoW, that they have relied, on the specialist design of others.

Building consent applications supported by a CoW from an LBP whose status cannot be verified, will not be accepted.

## 6. Licensed building practitioners and design classes

The design class for LBPs includes persons that have successfully applied under the Building (Designation of Building Work Licensing Classes) Order 2010 to be licensed. Chartered professional engineers (registered under the Chartered Professional Engineers of New Zealand Act 2002) and Registered Architects (registered under the Registered Architects Act 2005) are automatically deemed to be LBPs.

The designer providing the Memorandum (Certificate of Design Work) must work within their individual competency (i.e. their personal professional expertise).

Design LBPs must hold a license for one of the three practice areas (Design 1, 2 or 3); this depends on the category of building (for licensing purposes) that they were assessed against. It is important to note, however, that a design LBP is not limited to only designing categories of building that they were originally assessed for. A design LBP may submit a design on any category of building if they believe it is within their individual competency.

## 7. References

[Building \(Designation of Building Work Licencing Classes\) Order 2010](#)

[Building \(Definition of Restricted Building Work\) Order 2011](#)

[Building \(Forms Amendment\) Regulations 2011](#)

For further information about LBP or RBW refer to <https://www.lbp.govt.nz/>