

**BUILDING
PERFORMANCE**

Building Consent

GUIDANCE

**Guide to applying for a building consent
and code compliance certificate**

VERSION 4



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

Te Kāwanatanga o Aotearoa
New Zealand Government

Ministry of Business, Innovation and Employment (MBIE)

Hīkina Whakatutuki – Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

The guide to applying for building consent is produced by the Building System Performance branch.

This document is issued as guidance under section 175 of the Building Act 2004.

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Information, examples and answers to your questions about the topics covered here can be found on our website www.building.govt.nz or by calling us free on **0800 24 22 43**.

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More information

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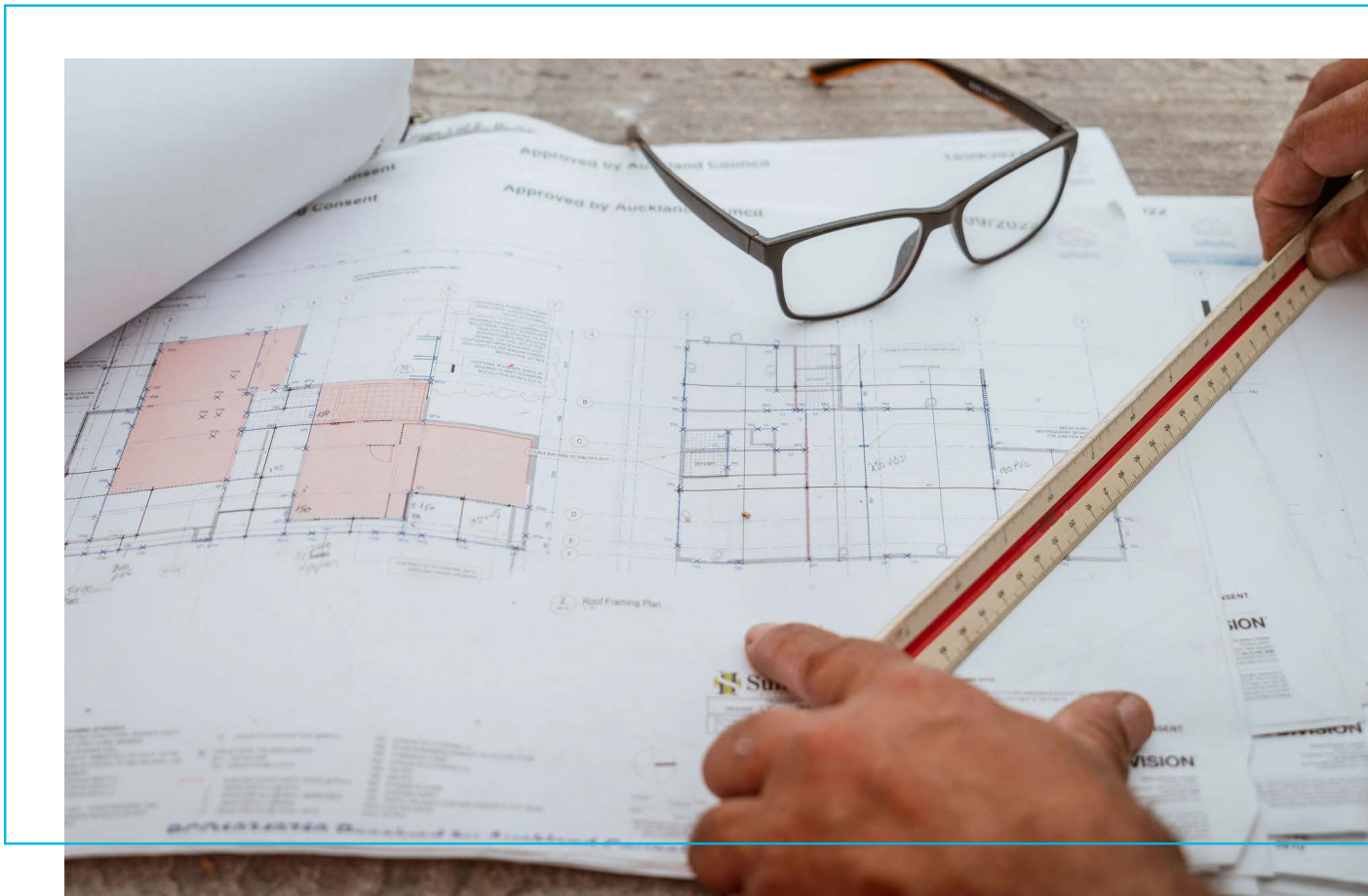
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1. Purpose

The purpose of this document is to provide guidance on how to apply and obtain a building consent and code compliance certificate (CCC). It also aims to provide clarity on the overall building consent process and the key pieces of information that you will need to provide.

Working through these steps will assist building owners in understanding the requirements for a good quality building consent application which may help speed up processing of the building consent and provide assurance to the building owner that they will build a Building Code compliant building. Obtaining a building consent when required, **before** you start building is important and can be an offence if you do not do so. If you undertake building work without a building consent you can not obtain one once the work has started. In addition, you may be required to apply for a certificate of acceptance (CoA).



2. Background

Building consents are issued by a building consent authority (BCA). BCAs are usually local and district councils. They can also be regional councils and private organisations. For the purpose of this document 'council' is used when referring to the regulatory role associated with a building consent application.

If you need a building consent you should check your local council's website to see what their process is. The council will also be able to advise you on any other requirements that they may have.

A building consent establishes that the council is satisfied on reasonable grounds that your proposed building work will comply with the **Building Code** and therefore meets the standards set out in the **Building Act 2004 (Building Act)**.

What the law says:

There are three main pieces of legislation that will be relevant to most building projects and building consent applications:

- › The Building Act 2004
- › The Building Code (which is part of the Building Act)
- › The Resource Management Act 1991¹.

The Building Act is administered by MBIE and sets out the rules for the construction, alteration, demolition and maintenance of new and existing buildings in Aotearoa New Zealand. These rules ensure that:

- › People who use buildings can do so safely and without endangering their health.
- › Buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them.
- › People who use a building can escape from a building if it is on fire.
- › Buildings are designed, constructed and able to be used in ways that promote sustainable development.

It's an offence to build without a building consent if one is needed. It could result in fines and possibly a notice to fix, to remedy the breach.

The building consent process also provides building owners with documented assurance that they have taken all the right steps to ensure that their building complies with the Building Code.

¹ Note that the Resource Management Act 1991 is currently being replaced by new legislation.

3. The Building Code

The Building Code is contained in Schedule 1 of the Building Regulations 1992. The Building Code is performance based which means that it sets the performance standards that all building work must meet, even if the work does not require a building consent.

The Building Code is the same for all of Aotearoa New Zealand, as is the requirement to show evidence of complying with its performance requirements, but councils have their own processes and procedures and sometimes additional requirements.

All building work in Aotearoa New Zealand must comply with the Building Code whether a building consent is required or not. So even if your proposed building work is exempt from the need to obtain a building consent, the work still needs to comply with the Building Code.

This guide aims to bring some consistency and standardisation and show what a good quality building consent application should contain.

You can read more about the Building Code at www.building.govt.nz/building-code-compliance/building-code-and-handbooks/.



4. Building work that does not require a building consent

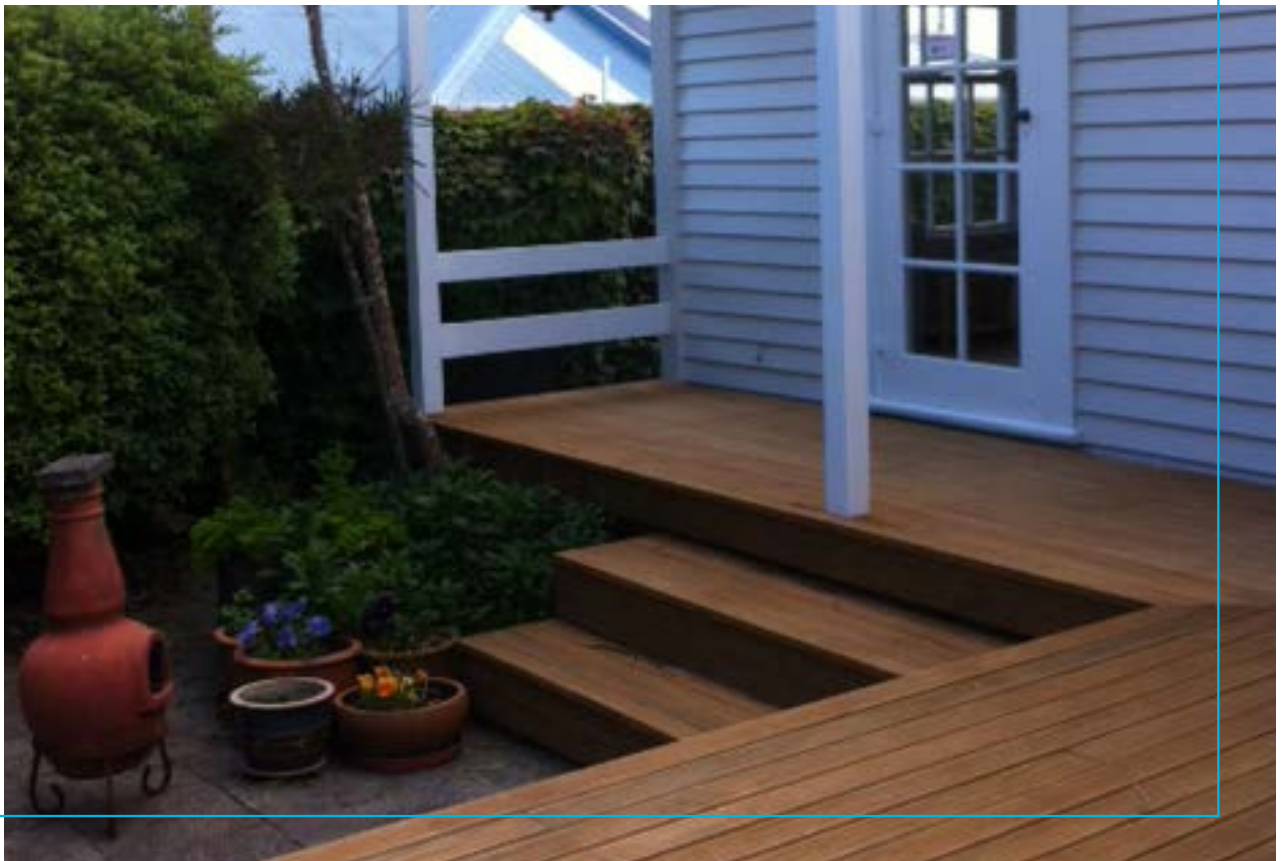
Some building work does not require a building consent. It is the building owner's responsibility to check whether a building consent is required. The list of building work that does not require a building consent is provided under Schedule 1 of the Building Act 2004.

All building work must comply with the Building Code whether a building consent is required or not.

What the law says:

Section 17 of the Building Act states that all building work must comply with the building code to the extent required by this Act, whether or not a building consent is required in respect of that building work.

See MBIE's guidance on building work that does not require a building consent for more information: www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-work-that-doesnt-need-a-building-consent/technical-requirements-for-exempt-building-work/.



5. What building work does this guide cover?

This guide covers the building consent process for applications for new residential building work, however the principles can be applied to all building consent applications, including those for large and/or complex commercial projects.

This guide does not cover other approvals that may be required such as resource consents under the Resource Management Act 1991.



6. Who is this guide for?

This guidance is for:

- › Homeowners who wish to understand the process involved in applying for a building consent.
- › Building practitioners (designers, builders, developers, engineers and architects) who are applying for a building consent application on behalf of the owner.

It is not intended to be a substitute to the councils' requirement to provide information to enable customers and applicants to navigate the steps and key requirements of the building consent process, and to make good consent applications.

Roles and responsibilities in the building consent system

There are multiple people who have specific responsibilities which are outlined in Sections 14B- 14D of the Building Act.

For the purposes of this document the main responsibilities are:

- › The **building owner** is responsible for obtaining the building consent.
- › The **builder** is responsible for ensuring that the building work is carried out in accordance with the approved plans and specifications.
- › The **designer** is responsible for ensuring that the plans and specifications comply with the Building Code.
- › The **BCA** is responsible for checking that an application for a building consent complies with the Building Code, and that the building work has been carried out in accordance with the building consent.

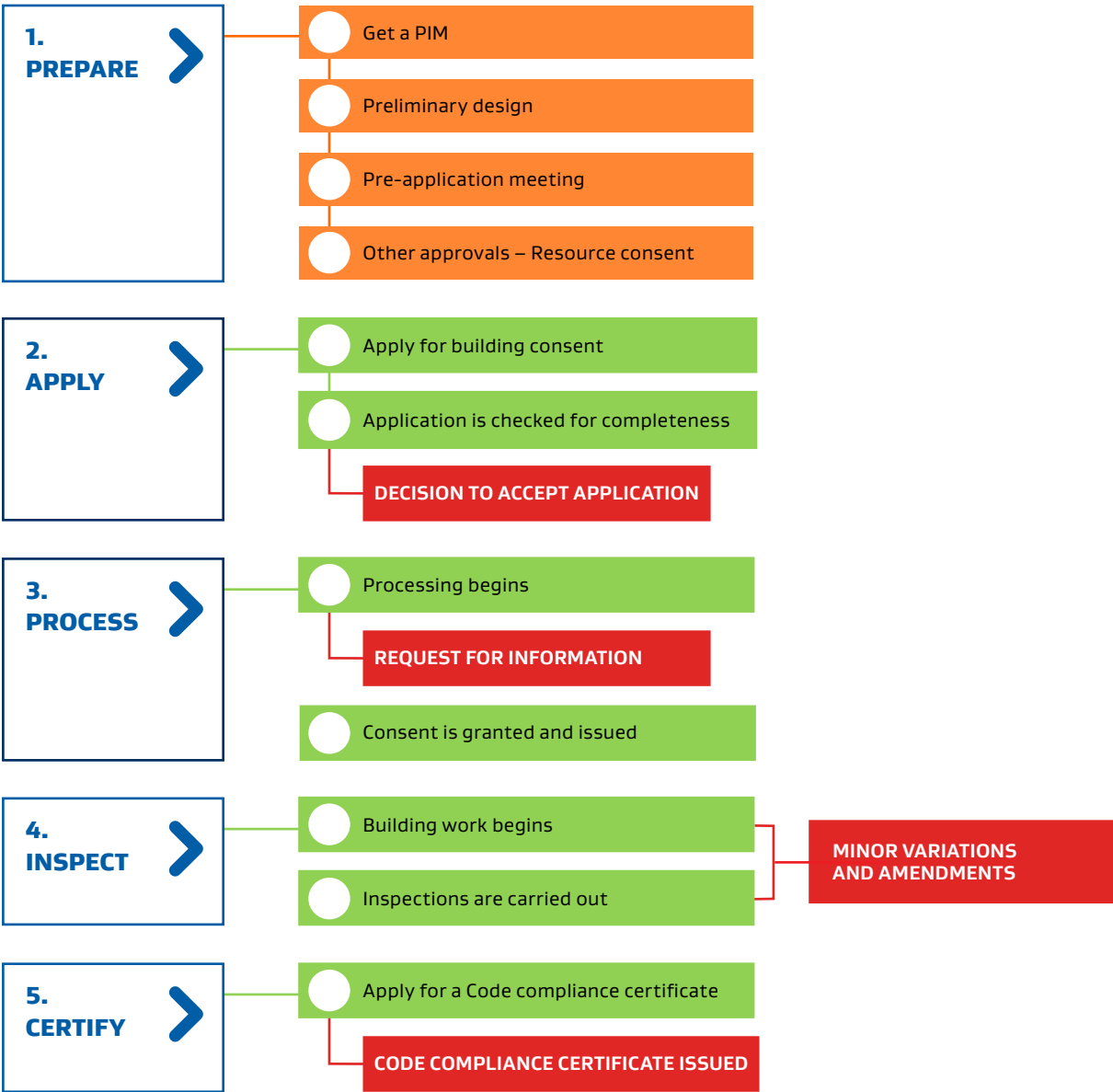
7. The building consent process

A building project starts when the decision to build is made. It is important to understand early what requirements need to be met that might inform your design decisions.

The building consent process that is described in this guidance document starts at the pre-application stage, when site specific information is gathered and ends when the code compliance certificate is issued.

Building consent process

There are a number of steps that are recommended to follow before the building consent and code compliance certificate can be issued.



■ STEP 1 – Prepare your building consent application

Pre-application

Before you complete the design of your building, it is recommended that you arrange a pre-application meeting with your council. Pre-application meetings are an effective way to ensure a good quality application, and to find out if there are any specific issues or requirements that might affect your site or building.

A pre-application meeting may also highlight the need for other approvals or authorisations such as a resource consent or storm water approval etc.

Project information memorandum (PIM)

A PIM is a document that provides information about the land on which you plan to carry out building work and any other land likely to affect or be affected by the building work. Information on land includes special features such as natural hazards (eg erosion, subsidence, falling debris, inundation or slippage), corrosion issues, high wind zones, or the likely presence of hazardous contaminants.

You can apply for a PIM before you apply for a building consent which will give you the opportunity to mitigate any issues, or you can apply for a PIM at the same time as a building consent. There is no requirement to apply for a PIM however if one is not requested it is likely that the council will need to undertake certain checks such as planning and development contributions.

Prepare

Prepare your building consent application and include all required information, documentation and fees. Check the council's website for any additional information that they might require, including familiarising yourself with the council's electronic submission system.

TIP:

A quality application avoids delays and reduces costs.

■ STEP 2 – Apply for a building consent

Who should apply?

The owner, or an agent acting on behalf of the owner such as the designer, can submit an application for a building consent.

What information do you need?

The minimum information that you will need is as follows:

- › a completed and signed application form
- › plans and specifications
- › any other information that the building consent authority reasonably requires
- › fees
- › the PIM if one has previously been issued
- › a list of the specified systems (if any)
- › the names of each Licensed Building Practitioner (LBP) undertaking or supervising restricted building work if the work includes restricted building work.

TIP:

Ensure that your documents:

- › are searchable
- › are not locked so that they can be digitally stamped
- › are bookmarked or easily navigable
- › do not contain hyperlinks to referenced material
- › have digital signatures that are securely attached to the PDF.

Preparing a clearly set-out and well-structured application will help the building consent officer (BCO)² to find the information they require and may reduce the number of requests for information (RFIs) you receive.

Using a standard order of documents checklist will assist you to ensure your building consent application is well organised, clearly set out and it may take less time for a building consent officer (BCO) to process. This checklist can be used for residential dwellings. For more information see the standard order of documents checklist: www.building.govt.nz/assets/Uploads/projects-and-consents/standard-order-of-documents-checklist.pdf

TIP:

Volume builders should consider MultiProof, to reduce processing time.

² For the purposes of this guidance, we refer to a BCO as building consent officer but in practice they are also known as a building control official.

How to apply

Most councils now have online portals that allow you to submit your application electronically.

TIP:

Check your council's specific requirements for file sizes, formats etc.

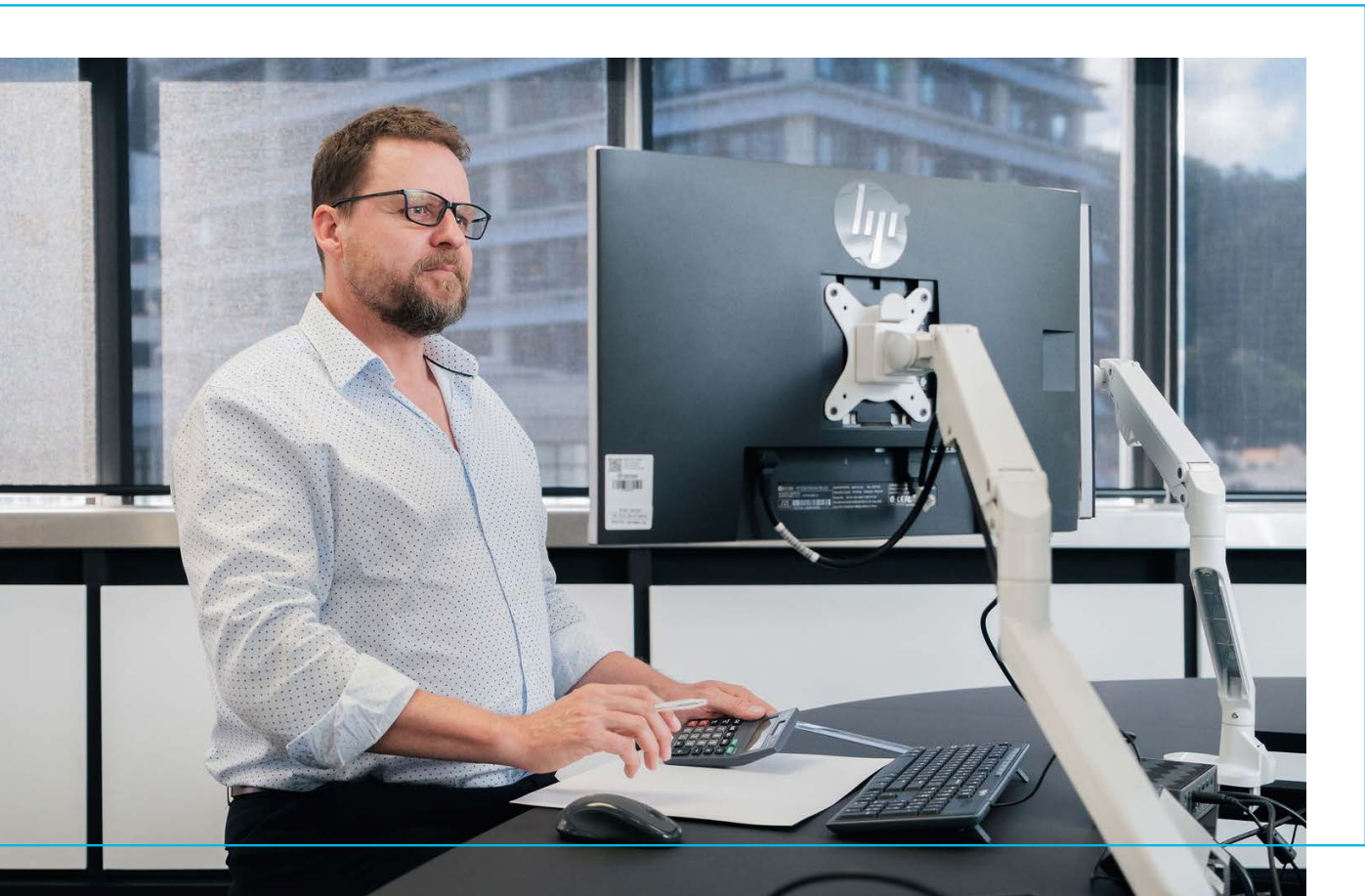
Most councils carry out an initial check to ensure that there is adequate information for processing to begin. The check will make sure that the application form is completed and signed, and that all of the required information has been submitted and is of adequate quality.

How long will it take?

A Council has 20 working days from the next working day after a complete application for a building consent is received to decide to grant or refuse the application.

TIP:

Having a good quality application will help to reduce the time taken to process the application.



■ STEP 3 – Processing your application

Processing a building consent

Once the building consent application has been accepted for processing it will be assigned to a BCO.

The BCO checks that the proposed building work would comply with the Building Code if properly completed in accordance with the plans and specifications included in the application.

The council may perform other checks such as a planning and development contribution check particularly if no PIM has been issued.

TIP:

If you change your design during the processing stage, you must inform the BCA of the proposed changes as soon as possible. This includes any changes required to meet the requirements of the Resource Management Act (RMA).

Requesting further information

The BCO may request clarification or make a request for further information (RFI) during processing of the application if information is unclear or is missing. The 20-working day period will then be suspended until all of the information requested is received.



■ STEP 4 – Granting and issuing your building consent

Once the Council is satisfied that the proposed building work will comply with the Building Code if built in accordance with the plans and specifications provided, and you have paid all associated fees and levies, the BCA must grant and issue the building consent. Building work can now start.

The BCA may refuse to grant a consent if the documentation does not adequately demonstrate compliance with the Building Code.

What the law says:

Section 49(1) of the Building Act

Grant of building consent

- (1) A BCA must grant a building consent if it is satisfied on reasonable grounds that the provisions of the Building Code would be met if the building work were properly completed in accordance with the plans and specifications that accompanied the application.
- (2) However, a BCA is not required to grant a building consent until it receives—
 - a) any charge or fee fixed by it in relation to the consent; and
 - b) any levy payable under section 53.

Once granted, a building consent is issued and will have some or all the following attachments:

- › building consent
- › PIM (if applied for)
- › development contribution notice issued by a council under section 36 of the Building Act (if any)
- › Section 37 certificate on resource consent requirements (if any)
- › a list of the specified systems if a draft compliance schedule is required or a draft compliance schedule (optional).

TIP:

There are only five conditions that can be attached to a building consent, and they relate to the following specific sections of the Building Act:

- › S67 Waivers or modifications of Building Code
- › S72 Building on land subject to natural hazards
- › S75 Construction of building on 2 or more allotments
- › S90 Inspections by building consent authorities
- › S113 Buildings with specified intended lives.

■ STEP 5 – Inspections and code compliance certificate

The building consent will lapse if building work has not started within 12 months of the building consent being issued. If you are unable to start your building work within this time, then you can request an extension from council before the end of the 12 month timeframe.

Inspections

In order to issue a code compliance certificate (CCC), the council needs to take reasonable steps to ensure that the building work is being carried out in accordance with the building consent. This normally means that the council will carry out inspections.

The building consent will include an inspection schedule of all inspections that the council will undertake during construction. This may also include inspections by third parties such as engineers, or can also, on agreement with your council, include remote inspections.

There are two forms of remote inspections.

1. **Real-time remote:** The builder, architect or engineer is on site and guides the inspector by way of video link around the building work being inspected. Photos are taken and dated and sent to the inspector to be included in the inspection report.

This type of remote inspection may require more preparation than on-site inspections and may not be suitable for remote locations where connectivity cannot be assured. It is also more difficult for complex inspection types

2. **Evidence-based inspection:** This is where video or photographs are used as evidence of how the building work complies with the building consent. The inspector reviews the information at a later date.

This type of remote inspection may require prior agreement with council on what information needs to be captured and by whom. This type of remote inspection may mean that there is more risk of rework, as there may be a time delay between the information being gathered and the inspector receiving it.

TIP:

When booking an inspection, try to give as much notice as possible. Provide information about the type of inspection required, a contact name, phone number, building consent number, and a clear project address. If the property is isolated or hard to find, give directions!

Changes to building work (minor variations and amendments)

If you need to make a change to the design of the building or use a different material or product to that which was specified, after the building consent is issued, you will need to notify your council and you may need to make a minor variation or an amendment to the building consent. This will depend on the complexity and scale of the change.

TIP:

The application of the Building (Minor Variations) Regulations 2009 has a significant part to play in enabling progress for those building projects delayed due to supply chain issues.

When considering a change to a design or a specified product, it is critical that all of the building work will continue to meet the performance requirements of the Building Code.

A minor variation is a minor modification, addition or change to consented building work that does not deviate significantly from the approved plans and specifications to which the building consent relates.

What the law says:

Section 45A of the Building Act

Minor variations to building consents:

- (1) An application for a minor variation to a building consent –
 - a) is not required to be made in the prescribed form; but
 - b) must comply with all other applicable requirements of section 45.
- (2) Sections 48 to 50 apply, with all necessary modifications, to an application for a minor variation.
- (3) A BCA that grants a minor variation –
 - a) must record the minor variation in writing; but
 - b) is not required to issue an amended building consent.

For larger or more complex changes you may need to apply for an amendment to the building consent. The process for amendments is similar to that of a building consent, so ensure that you allow enough time as the amendment must be approved before the proposed amended building work takes place.

TIP:

Councils determine what can be considered as a minor variation and when an amendment to the building consent is required. Discuss any proposed changes with the BCA as soon as possible.

For more information and guidance on product substitution see MBIE's guidance document www.building.govt.nz/assets/Uploads/building-code-compliance/certifications-programmes/product-assurance/product-substitution.pdf

Code compliance certificate (CCC)

An application for a CCC should be made as soon as practical after the building work is completed. If there is no application for CCC, the BCA must decide whether to issue the CCC at 24 months after granting the building consent.

The application can be made by the building owner or an agent on behalf of the owner.

What information do you need?

The minimum information that you will need is as follows:

- › a completed and signed application form
- › records of work provided by the LBPs
- › energy work certificates
- › any other information that the BCA reasonably requires.

If no application for CCC is made, the council will make a decision to grant or refuse a CCC 24 months after the granting the building consent. An extension of time for this decision to be made can be agreed between the applicant and the council.

The council will issue the CCC if they are satisfied, on reasonable grounds, that the building work complies with the building consent. If the council refuses to issue the CCC they must give written notice including the reasons for the refusal. They may, as part of processing the application request further information.

The statutory timeframe for processing an application for a CCC is 20 working days and the clock is managed in the same way as for building consent applications.

Once the CCC has been issued, no more changes can be made to the building consent.

You can find more information on both the building consent and code compliance certificate processes on www.building.govt.nz or on your local council website.

8. Useful links

You can find further information about building consents via the links listed below.

Building Code	How the Building Code works Building Performance
BuiltReady	BuiltReady Building Performance
Can I Build It	canibuildit.govt.nz
CodeMark	CodeMark Building Performance
Determinations	Understanding determinations Building Performance Consumer Protection Measures
Building work that does not require a building consent (exempt work)	Check if you need consents Building Performance
Choosing the right people for your building work	Get the right people for your project Building Performance
Making changes to your plans	Making changes to your plans Building Performance
MultiProof	MultiProof Building Performance
Product substitution guidance	Product substitution and variations Building Performance
Restricted building work	Restricted building work Building Performance LBP licence classes Building Performance
Showing your products comply with the Building Code	Products and Building Code compliance Building Performance
Specified systems	Specified systems and compliance schedules Building Performance
Standard order of documents checklist	www.building.govt.nz/assets/Uploads/projects-and-consents/standard-order-of-documents-checklist.pdf
Support your building consent application	Support your consent application Building Performance
Tiny houses	Tiny houses Building Performance
Waivers and modifications	Waivers and modifications of the Building Code Building Performance

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