

What is a Building Consent?

A building consent means consent to carry out building work granted by a Building Consent Authority under [Section 49](#) of the Building Act.

The Building Act provides that all work must be completed in accordance with an approved building consent.

Councils Building Control Teams (Building Consent Authorities – (BCAs)) grant building consents when they are satisfied on reasonable grounds that the work, if completed in accordance with the consent will comply with the Building Code.

Work cannot start until the consent has been granted.

In some cases other legislation may apply to your consent.

When Council grant your consent, where applicable, they may attach notifications under other legislation such as the Resource Management Act (RMA) or under legislation relating to historic places.

This may mean that although you have building consent you may not be able to start work until the other matters are resolved.

National Processing Limited (NPL) does not grant consents as defined in the Act. NPL provide recommendations to BCA's on whether the consent can be granted or not. If the BCA agrees with that recommendation they grant the consent.

How to Apply for a Consent

To apply for a building consent you must complete an application form (Form 2) for the BCA in the District where the work proposed will be undertaken.

Applications for consent cannot be made to NPL.

Attached to your application should be the plans and specifications, with supporting technical information on products and systems.

It is important that plans are well drawn, to a recognised scale and clearly show what is intended to be built. In the same way specifications should be site and project specific and contain only information relevant to the project.

When providing information on products and systems you should ensure that you have carefully read the information to ensure it is appropriate for the job.

A competent designer should be able to make a satisfactory application.

Applications that are not appropriate will not be accepted by the relevant BCA and will need to be corrected and another application made.

All BCA's will have information for you on how to make applications within their District.

In some cases it may be appropriate to apply for a Project Information Memorandum (PIM) before the consent is sought. Although PIM's are voluntary they can provide useful information for a designer to assist with site issues.

All building consent applications will incur fees and charges where the value of the work is over the prescribed amount. You will also need to pay a building levy order to MBIE and a building research levy. Your BCA will be able to advise you of these fees.

Restricted Building Work

Generally work on residential buildings is known as restricted building work. This means that the work must be designed by licensed building practitioners (LBP) and constructed or supervised by licensed building practitioner.

A competent designer will be able to assist you with applications and provide the appropriate memorandums issued in relation to restricted building work with the application.

When the trade LBP's complete their work they must issue memorandums for the work that they completed or supervised. These will be identified on the building consent documentation and should be provided to the BCA that granted the consent.

Information on the LBP scheme can be found at <https://www.lbp.govt.nz>

An owner can make an application in relation to the LBP scheme where they wish to do the work themselves. In this case they will need to provide a declaration called an owner builder exemption. The client BCA will seek a copy of this that is signed by both the owner and a Justice of the Peace.

What is Building Work?

Building work is defined as work:

For, or in connection with, the construction, alteration, demolition, or removal of a building; and, on an allotment that is likely to affect the extent to which an existing building on that allotment complies with the [Building Code](#); and includes site work

All building work requires consent before work starts.

Where the work is on land that has been identified as affected by a natural hazard (flooding, inundation, slippage etc) Council may add a condition to your consent regarding listing the natural hazard on the Certificate of Title. If this is the case you should discuss this with the Council before the consent is granted and seek independent legal opinions.

There are some situations where you intend to undertake building work, a consent is not necessary.

This MBIE guidance provides information on exempt building work:

<https://www.building.govt.nz/assets/Uploads/projects-and-consents/building-work-consent-not-required-guidance.pdf>

Acceptance and Management of Professional Opinions (e.g. Producer Statements)

Applications can include supporting documentation from engineers or information on products and systems. The applicant will need to ensure that any opinions offered are offered by a suitably qualified and/or experienced people. When processing a consent NPL will check to ensure that the people offering statements etc are appropriate. Please note that NPL and BCA's are not obliged to accept Producer Statements or other technical opinions.

Where NPL considers that the application may need fire structure or mechanical review this will be discussed with the client BCA.

Generally NPL will rely on the client BCA to arrange these reviews.

Existing Buildings

Where consents relate to existing buildings the applicant will need to provide additional information in regards to the existing building. The Building Act imposes requirements around upgrades to existing buildings. Typically, this includes access and facilities for people with disabilities and means of escape from fire. In addition, the building can be no less compliant than before the work was undertaken.

When undertaking work on existing buildings you may need to consider the following:

- Section 112 - alteration to an existing building
- Section 115 - change the use
- Section 116 - extension to the specified intended life of the building
- Section 116A - subdivision of existing building
- Section 133AT – earthquake prone buildings

Specified Systems

Where applications include work on specified systems, as defined in regulation, (this includes cable cars on residential properties) the application must include information in relation to the specified systems that are/will be installed in the building. This includes the performance standard and the inspection maintenance and reporting procedures that the owner must ensure is followed.

This is for the purposes of ensuring that the specified systems will continue to perform to the performance standards to which they are installed.

Amendments and Minor Variations

From time to time, it can become necessary to make changes to the proposed work.

It is important that approval is obtained before any work is changed. When undertaking inspections Building Inspectors can approve minor variations on site. This is administered by the BCA responsible for your consent.

In other cases, for more significant changes, an application for an amendment may need to be made to the relevant BCA. This will require completion of the application form, payment of fees' and providing relevant information (an application for an amendment must be made as if it were a full building consent application).

Each BCA will have application forms to complete.

Receiving Building Consents

NPL receive building consents from client BCAs. These are Council building control teams.

In most cases the consents have been vetted by the client BCA who follow their receiving process.

The client BCA completes the receiving process as described in the Building Act.

Lapsing and Consent/CCC Follow Up

The Building Act explains that if work to which the consent relates has not started within 12 months from the issue of the consent, the consent may lapse. If this occurs you will need to apply for a new consent for the work.

The Building Act also requires that 24 months after the consent has been granted, the BCA that granted your consent must decide whether to issue or refuse the Code Compliance Certificates (CCC).

In both the lapse and the 24 month period the BCA that granted and issued your consent will contact you and discuss your plans to progress etc.

In most circumstances the BCA's will consider issuing an extension of time for owners.

Please note that the Act also requires that the owner apply for a CCC when the work is completed.

Where the work relates to buildings intended to be used by the public, additional approval called a Certificate for Public Use will need to be obtained from the relevant Council where no CCC has been issued

How Consents are Processed

NPL will use the client BCA's systems, when processing consents, to establish if the work, if completed in accordance with the plans and specifications, will comply with the Building Code.

NPL staff will exercise professional judgement when assessing the information. This involves checking details on the plans etc against the performance requirements of the Building Code and relevant sections of the Building Act.

A competent designer should be able to demonstrate Building Code compliance.

NPL will assess the information supplied with the application and complete the client BCA's process.

If NPL consider that there is insufficient information, the client BCA will be notified of what information is required and the applicant will be notified.

The client BCA has 20 working days (10 working days for National Multiuse Approval) to make a decision on whether to refuse or to grant the consent. NPL have agreed timeframes with client BCA's to ensure the BCA meet those requirements.

Where additional information is sought the clock stops and isn't restarted until the information is supplied.

If your building contains specified systems, or the proposed work includes specified systems, you will need to provide, with your application, information detailing the performance standards for the specified system and inspection maintenance and reporting procedures to be included on a Compliance Schedule. The Processor will consider this information when processing the consent.

Some commercial building applications may need to be sent to Fire and Emergency New Zealand (FENZ) for review. The consent cannot be finished until the FENZ advice is received and considered by the Processing Officer.

NPL cannot grant a consent as defined in Section 49 of the Building Act. NPL will make an informed decision and recommend to the client BCA that the consent can be granted or refused. The client BCA will confirm this decision, or not, as the case may be and grant or refuse the consent.

When granting consents the Council BCA may apply conditions to a consent, this typically relate to:

- Inspections (Note: the granting of a consent is conditional on enabling the building work to be inspected)
- Natural hazards
- Joining allotments
- Waivers and modification
- Specified intended life

Project Information Memorandum

A Project Information Memorandum, or PIM, is a form issued by council that provides information that the council has that may affect the design and or construction of building work. We suggest that when planning a project owners/designers obtain a PIM to assist with the design.

PIM's are not compulsory but if one is obtained this should be provided with the building consent application to the council BCA.

Other Legislation or Organisations

In some cases other legislation may impact on your project, or other organisations, this could include the Resource Management Act (RMA); your application may need to be sent to Fire and Emergency New Zealand (certain types of commercial projects) or maybe subject to requirements of the Historic Places Trust (HPT) legislation.

In the case of RMA or HPT requirements these will be managed by the council BCA.

In regards to FENZ, this is likely administered by the BCA but NPL will consider the FENZ advice.

We note that Fire and Emergency New Zealand cannot be challenged on any recommendations they make, nor can they be held accountable for any errors they make.

Natural Hazards and Allotments

Where the site is subject to a natural hazard or the building is to be built over the boundary, the client BCA may, depending on the circumstances grant the consent subject to conditions requiring notifications to be placed on the property title.

Satisfied on Reasonable Grounds

The Building Act provides that all decisions are made “on reasonable grounds”.

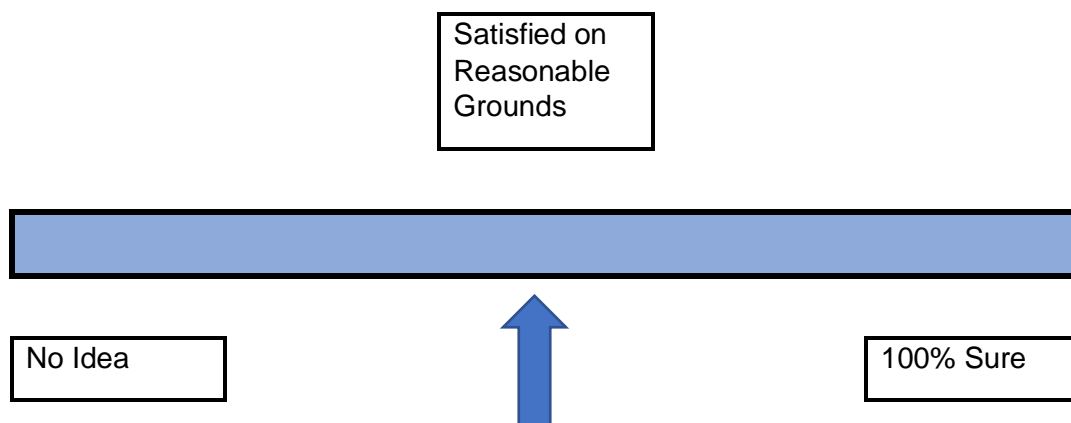
This requires the NPL processor to form an opinion, based on the information supplied by the applicant, in regards to a consent application in our case, as to whether the NPL processor is satisfied on reasonable grounds that the work, if properly completed in accordance with the plans and specification would meet the requirements of the Building Code.

NPL is not a registered BCA and it cannot grant consents in its own capacity. Section 49 of the Building Act does not apply to NPL as defined in the Act.

However the NPL processor must still satisfy this test in making the recommendation to the client BCA.

In making this judgement, in order to be satisfied on reasonable grounds the NPL processor will:

- exercise professional judgement,
- measure the design against the performance requirements of the Code,
- measure performance against Acceptable Solutions and Verification Methods,
- consider product appraisals, Codemark and product technical statements checking scope and limitations relevance to the project,
- consider technical opinions from CPEng engineers including confirming the engineers field on the CPEng register,
- seek advice and consider policies of the client BCA,
- consider the buildability of the work,
- consider any relevant Determinations or MBIE opinions,
- in service history, and,
- Risk of failure.



Inspections

NPL do not do inspections, these are done by the relevant BCA staff.

Typically consents will include a list of required inspections.

When processing consents, NPL will suggest what inspections will be necessary during the project. The relevant BCA will confirm this is the case.

The builder should read the documentation carefully and ensure that the relevant inspections are undertaken.

To book an inspection you will need to contact the BCA that granted the consent, not NPL. You will need to provide them with some details such as the consent number, type of inspection, address and contact details.

On site, access to the site should be provided to the Inspector and the site must be safe and the approved building consent documentation available on site. If this is not the case the Inspector is likely to leave.

It is good practice to make sure that the Inspector is met on site by people who are able to answer questions and receive instructions.

If inspections are also being done by engineers, copies of the engineer's inspections should be available on site if the engineer cannot be present during the inspection.

The role of the Inspector is to confirm that the work has been completed in accordance with the consent. In some cases the Inspector may give partial approval or complete approval.

The builder should ensure that they are clear about the outcome of the inspection and establish if they can carry on in part or in full. In some case the Inspector may give conditional continuation of work.

The Inspector will either leave an inspection record or email that record to you and add them to your records.

Council Inspectors may issue Notices to Fix (NTF) where non-compliance is identified.

Typical inspections include, but are not limited to:

- Prepour – to check ground bearing, siting and the foundations prior to pouring concrete
- Framing inspections – to check structural connections, framing sizes, etc before building wrap is installed
- Precladding – to check the installation of cavity batten and flashings, etc, before cladding is installed.
- Preline – checking structural connections, plumbing (on test), moisture content and insulation prior to internal lining being installed
- Drainage – all drainage work prior to trenches being backfilled (noting all drains should be on test)
- Tanking/Waterproofing – before tiles are installed or before retaining walls are backfilled
- Final – to ensure that the work complies with the building consent, once the work has been completed.

Certificates for Public Use

If you have a building to which the public may enter and you want to use the building before the CCC is issued you will need to contact the local Council and make an application for a Certificate for Public Use.

Certification

NPL do not issue Code Compliance Certificates (CCC).

The BCA that granted the consent will issue a CCC when they are satisfied on reasonable grounds that the work has been completed in accordance with the consent.

The BCA will also ensure that any conditions imposed on the consent have been met.

The building consent applicant, when they consider the work is complete, will need to complete a CCC application form, provide supporting information, i.e. records of work from LBPs, energy works certificates, producer statements and the like.

The supporting information supplied with the CCC application will need to be clear, concise and relevant.

The BCA has 20 working days to consider the application. This can be suspended when the BCA requires additional information. This process includes reviewing the inspection records and supporting documentation.

The BCA will also review the fees and if further fees are required they will invoice you for these before the CCC is issued. Their invoice should include "how to pay".

Where the work involves specified systems the owner will need to supply supporting information showing that the specified systems have been installed as required by the consent and are performing to the performance standards detailed on the consent.

The receipt of a CCC means that the BCA is satisfied on reasonable grounds that the work has been completed in accordance with the consent. Where relevant, it will also state that the specified systems are capable of performing to the performance standards detailed on the building consent.

FEE's and Levies

NPL does not evaluate the value of levies or development contributions that building consent applications must pay.

The relevant BCA will calculate the relevant fees and the applicant must pay them.

All building consents attract levies, such as MBIE levies. The Building (Levy) Regulations 2019 can be viewed at:

<http://www.legislation.govt.nz/regulation/public/2019/0310/latest/LMS266282.html?src=qs>

and BRANZ levies. This can be viewed at:

http://www.legislation.govt.nz/act/public/1969/0023/latest/DLM391231.html?search=ts_act_building+research&sr=1

These are calculated based on the value of work (\$20,000 or \$20,444 depending on the client BCA's approach).

From time to time NPL may query the value of building work, but we note that the value is based on the market rate of construction.

CCC processes may attract additional fee as well.

Complaints

Where you are unhappy with the decisions made by NPL you should, in the first instance, take this up with the relevant BCA. They will discuss this matter with us.

As NPL provide advice to client BCA's only any decisions that we make are not subject to a Determination through MBIE, however if you disagree with the client BCA's decision then this maybe.

Determination information can be found at

<https://www.building.govt.nz/resolving-problems/resolution-options/determinations/>

In addition all BCA's have a compliant process that you may wish to discuss with them.

Enquiries

NPL encourage Client BCA, their customers and building stakeholders to contact NPL if they have any questions regarding the services we provide.

NPL will endeavour to respond to all enquiries within the times as follows

Immediately – within 24 hours

High Priority – 2 – 5 days

Low Priority – 6 – 10 days

If the enquiry is one that NPL cannot address, or is a matter best answered by the Client BCA, NPL will forward the enquiry to the relevant Client BCA. NPL will advise the originator of the enquiry if their enquiry has been passed to the Client BCA. This will also be entered onto the NPL register.