


ROTORUA
LAKES COUNCIL

# BUILDING CONSENT
# PROCESS GUIDE

Document Set ID: 2719125
Version: 42, Version Date: 23/10/2025



# UNDERSTANDING THE BUILDING CONSENT PROCESS

## THE BUILDING ACT:

The Building Act 2004 provides for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards, to ensure that:

(a) people who use buildings can do so safely and without endangering their health; and

(b) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and

(c) people who use a building can escape from the building if it is on fire; and

(d) buildings are designed, constructed, and able to be used in ways that promote sustainable development.

To achieve this purpose, the Act requires anyone proposing to do building work to obtain a project information memorandum and a building consent from a building consent authority before commencing building work.



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## WHO ADMINISTERS THE BUILDING ACT?

Ministry of Business Innovation and Employment (MBIE) is the government department responsible for administering the Building Act 2004.

## WHAT IS A BUILDING CONSENT AUTHORITY?

Building consent authorities are regional or territorial authorities or private organisations registered under section 273 of the Building Act 2004 and are responsible for performing building control functions under Part 2 of the Act.

## WHAT IS A PROJECT INFORMATION MEMORANDUM?

A project information memorandum (PIM) is a memorandum issued by the territorial authority (Council) under section 34 of the Act and sets out information relevant to your building work.

The information is provided on a prescribed form and is required to include all such information known to council which may be relevant to the project or site.

This includes potential for:

- erosion
- avulsion (removal of land by water action)
- falling debris
- subsidence
- slippage
- alluvium (the deposit of silt from flooding)
- The presence of hazardous contaminants which are likely to be relevant to the design, construction or alteration of your proposed building which are known to Council.

Details of stormwater or wastewater utility systems which may relate to your project or site will also be included (where applicable).

A project information memorandum also identifies any additional approvals required such as:

- Resource Management Act
- New Zealand Historic Places Trust (heritage buildings / sites)
- Fire and Emergency New Zealand

The memorandum also includes:

- Confirmation, subject to other provisions of the Act that you may carry out the building work subject to the requirements of the building consent, and that
- All other necessary authorisations have been obtained.

A project information memorandum does not give any form of approval under the District Plan or Building Act. Contact the Planner, or your own planning adviser, to determine whether your proposal complies with the District Plan. If it does not, and resource consent is required, you are strongly advised to obtain this before seeking building consent to avoid possible expensive changes to your proposal.

## DO I NEED A PROJECT INFORMATION MEMORANDUM?

No, applying for a project information memorandum is voluntary but recommended for projects that involve a change of use or alterations to the exterior of the building. This can be applied for separately or in conjunction with your building consent.



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## HOW TO APPLY FOR A PIM

An application for a PIM must be made on the PIM/ BC application form which is available from our council office or our website.

This form must be completed in full, signed and dated before being submitted.

## PIM DOCUMENTATION REQUIRED

All applications must be accompanied by 2 copies of;

- The site plan,
- floor plan,
- building elevations and,
- Proposed drainage plans

## HOW LONG DOES IT TAKE FOR COUNCIL (BCA) TO ISSUE A PIM?

Council is required to issue the PIM within twenty (20) working days (10 for national multi use consent and/or manufactured modular component) of application being received, however, depending on workloads, this may be earlier.

**NB:** Providing all fees are paid, the PIM will either be posted or emailed (depending on how the application was made) to the applicant when it is issued. If the PIM is applied for with the Building Consent the timeframe for the issue of both is 20 working days or 10 days for a national multi use consent. Sometimes it may be necessary for Council to obtain further information from you to enable your PIM processing to be completed. In such cases the

Council will contact you within 10 days of receiving the PIM application with a formal request for further information.

The Council has 10 working days from when this information is received to issue the PIM (10 working days in total for national multi-use consent).

## WHAT HAPPENS IF I DO NOT APPLY FOR A PROJECT INFORMATION MEMORANDUM?

The majority of building consent applications involving a change of use or alterations to an existing building requires input from other departments in Council. You will be notified though by a planner if resource consent is required but will not receive any other information; however, input from other Council departments will be used in making decisions relating to the building consent application.

## WHAT IS A BUILDING CONSENT?

A building consent is the formal approval issued by a building consent authority (BCA) that certain works meet the requirements of the New Zealand Building Act, Building Regulations and Building Code. You cannot undertake any building work that requires building consent without this approval. Most building work requires building consent, but some minor work is exempt under the Act.

Exempt work is listed on Schedule 1 of the Building Act 2004. This may be viewed on the web on Schedule 1 Guidance.



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## WHEN IS A BUILDING CONSENT REQUIRED?

A building consent is required for most work including:

- Swimming pools, spa pools and fencing
- Retaining walls over 1.5m (no surcharge) or 3m in rural zone (conditions apply)
- Retaining walls any height incurring a surcharge except for those noted above in rural zone refer to: 1st schedule
- Decks over 1.5m high - refer to: 1st schedule
- Free-standing non-habitable buildings larger than 30m2 and less than its height from the boundary or a dwelling
- A building's change of use can trigger a building consent
- Plumbing and drainage work not covered by the 1st schedule
- Some Demolition - refer to: 1st schedule
- Site works in preparation for a building
- Relocation of buildings
- Additions, alterations to existing buildings - refer to: 1st schedule
- New buildings
- Heating including fireplaces, some ventilation and air-conditioning systems
- Dams that have a height of 4m or more meters and hold 20,000 cubic meters of water or other fluid, this building consent is made to the local Regional Council). Smaller dams: refer to: 1st schedule
- Stand-alone installation, alteration or removal of a specified system

The link below takes you to the government guidance document for building work not requiring a building consent.

Building work consent not required guidance

For guidance or further information please call 07 348 4199 or visit our website rotorualakescouncil.nz

## HOW LONG DOES IT TAKE TO GET A BUILDING CONSENT?

Building consent processing time depends on the complexity of your project and whether or not you have provided us with sufficient information. All building consents are required to be approved within 20 working days (10 working days for national multi use consent). This time

starts from the time that the lodgement fee is received. If information is deficient the time clock is stopped, and a formal request will be made for further information. The time clock is not restarted until all the requested information is received.

It is possible that your building consent application requires checking by several disciplines; it is possible therefore that the clock may be stopped on more than one occasion.



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## HOW DO I APPLY FOR A BUILDING CONSENT?

You will need to complete an application and provide information that is relevant to your building project. Information is contained within an application pack which can be obtained from:

- Our website Building Forms & Factsheets - Rotorua Lakes Council, or and this may include
- Council's office at 1061 Haupapa Street, Rotorua, or alternatively call us and we will post you one out.

Once you have gathered all the necessary information you can either post in the application/ bring it in personally to our office or email to RLC Building Services buildingadmin@rotorualc.nz.

We recommend you book a time to lodge your building consent if you are applying in person (call 348 4199 to book an appointment). This will avoid unnecessary delays. On receiving your application our vetting officer will check your application to ensure all relevant information has been provided.

If your application is declined, it will be returned, and you will be advised of the information deficiencies. Please note this is not a technical assessment but merely a check to ensure

necessary information required to enable us to process your application in a timely manner has been provided. If all information has been provided you will be required to pay a lodgement fee (this may not be the total cost).

## HOW LONG IS MY BUILDING CONSENT VALID FOR?

Building work must have commenced within the 12 months of issuing of the building consent. If work has not commenced, then the building consent shall lapse requiring a new application. The BCA must decide whether to issue a code compliance certificate 2 years from the date that the building consent was granted. If the project has been delayed, it may be possible to apply for an extension of time.

## WHAT SORT OF INFORMATION DO I NEED?

Building consent applications can be complex; we recommend that you engage a professional person to help with design work and drawings. The information required with your application is listed within the Building Consent Application Form 2. This form is available on our web site. This form is required to be completed in its entirety. This will require a level of technical knowledge of the building code, so we recommend that you retain your building professional to assist you with the completion of this document. The council will not accept substandard documentation. Specific design elements for any structure other than domestic residential type may require peer review undertaken by a peer deemed acceptable to council before being submitted for building consent. If you intend to incorporate aspects of specific design within your project, please contact us prior to engaging the engineer to confirm their acceptability. The council reserves the right to accept or refuse Producer Statements as a means of demonstrating compliance with the provisions of the NZ Building Code. These will be accepted solely at the discretion of the BCA. Likewise, industry recognised proprietary elements / buildings /systems such as: garage / carport systems, beams, truss, brace systems, farm building systems, will be accepted at the discretion of the BCA.

Any application involving an alteration or change of use to a commercial or industrial building will be required to be accompanied by a fire safety analysis and an accessibility assessment.



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Each hard copy application will be expected to include (but not limited to):

- Authorisation from legal owner
- 2 sets of plans
- 2 sets of specifications and product supporting documentation
- Design memoranda by licensed building practitioner (if applicable)
- 2 sets of engineering documentation (PS1, Calculations, construction monitoring)
- 2 sets of bracing calculations (if applicable)
- 2 copies of an E2 risk matrix (demonstrating weather tightness features)
- Fees
- Two copies of the truss layout and design certification
- Specialist reports specific to your project (Geotech, Fire, Accessibility, Stormwater, Acoustic, Re-site reports etc.)
- A list of all specified systems being installed complete with performance standards, maintenance and performance requirements (refer to Document Properties - Rotorua Lakes Council Specified System checklist for guidance)

Electronic Applications

- Electronic applications must be emailed to the RLC Building Services administration team at **buildingadmin@rotorualc.nz**.
- The required information for an electronic application is the same as outlined in the hard copy example; however, only one copy of each document is needed.
- All documents must be submitted in PDF format.

## FIRE AND EMERGENCY NEW ZEALAND REVIEW

Fire and Emergency New Zealand must review application for building consent if the building or part of the building is the type as described in section 75 of the Fire and Emergency New Zealand Act 2017 and includes;

- An alternative solution (different to a compliance document) in relation to Building Code clauses C1-C7, D1, F6 or F8 or
- Involves a waiver or modification request for the same clauses or
- Involves an alteration, change of use or subdivision that affects the fire safety systems or work on a specified system relating to fire safety unless the effect on the system is minor
- This requirement does not relate to single household units, household units separated vertically from other fire cells whose egress is directly to an external safe place or an internal fit our excluding change of use.
- Fire and Emergency New Zealand may, within 10 working days after receiving a copy of an application for a building consent under section 46, provide the building consent authority concerned with a memorandum that sets out advice on the following matters in respect of the building to which the application relates:
  (a) provisions for means of escape from fire:
  (b) the needs of persons who are authorised by law to enter the building to undertake fire- fighting.

The building consent authority must have regard to a memorandum provided by Fire and Emergency New Zealand when processing the building consent application.

If Fire and Emergency New Zealand does not provide a memorandum within the period specified, the building consent authority may proceed to determine the application without the memorandum.



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## PRODUCER STATEMENTS:

A Producer Statement requires the following as a minimum requirement to be accepted by the Rotorua Lakes Council:

- A written statement
- Header with 'Producer Statement'
- Who is issuing the Producer Statement (suitably qualified and author of Producer Statement)
- The Producer Statement must be addressed for the attention of Rotorua Lakes Council
- Who has completed or designed the work identified (qualifications to undertake the work required)
- The product name and specifications for application of product used (where applicable)
- What parts/clauses of the Building Code the work relates to
- Full legal description of the site where the work will be undertaken
- Clearly identifying what part of the building consent work is covered by the Producer Statement
- Provide the sum of Provisional Indemnity Insurance held
- The author's name and signature
    - Qualifications
    - Address
    - Registration Number
    - Membership of Professional Organisation
    - Date the Producer Statement was produced.

## STATEMENT OF PROFESSIONAL OPINION (SOPO):

A statement of Professional opinion can be used where a PS2 is unable to be signed because the design being reviewed does not comply with the relevant provisions of the Building Code. RLC will utilise ENZ (Engineer New Zealand) evaluation tool when assessing these statements

## NATIONAL MULTI USE CONSENTS

Multi use consents are generic approvals issued by the Ministry of Business Innovation and Employment for buildings that can be constructed anywhere in the country with minor changes where the local Building Consent Authority is only typically approving the foundations and drainage provisions of the Building Code. Multi use consents are required to be processed within 10 days baring any suspension for further information and application must be supported by a copy of the national multi use approval and details of any minor customisations.

## RESTRICTED BUILDING WORK (RBW)

Restricted building work relates to design and construction affecting the structural performance, external moisture management systems of a house or small to medium apartment building and includes design work of fire safety features of a small to medium apartment building.

Restricted building work can only be undertaken by a Licensed Building Practitioner (LBP).



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An application for building consent that includes restricted building work must be accompanied by a design certificate (Form 2A) from a LBP designer and a list of LBPs nominated to undertake the restricted building work where know. RBW license classes are as follows;

- Design
- Brick laying or Block laying
- Carpentry
- External plastering
- Foundations
- Roofing

LBPs must be nominated to the BCA prior to their commencement of building work.

An LBP involved in the construction phase must provide a record of work (Form 6A) to the owner in completion of the work.

## RESTRICTED BUILDING WORK (RBW) OWNER DESIGNER/ BUILDER EXEMPTION

An owner may undertake their own Restricted Building Work (design and or building work) providing they;

- Live in or are going to live in the home (including a Bach or holiday home)
- Carry out the Restricted Building Work to your own home yourself, or with the help of your unpaid friends and family members, and
- Have not, under the Owner-Builder Exemption, carried out Restricted Building Work to any other home within the previous 3 years.
- Supply a statutory declaration in the prescribed form (links available on Councils web site)

## DEVELOPMENT CONTRIBUTION – SECTION 36 BUILDING ACT

The Territorial Authority may impose a Development Contribution onto a building consent application.

## WHY IS ROTORUA LAKES COUNCIL CHARGING DEVELOPMENT CONTRIBUTION FEES?

The development contribution is used to accommodate this growth; the Rotorua Lakes Council District Plan provides a vision for development around the region. This will mean more development in Rotorua Lakes Council's existing urban areas, as well as growth in new urban areas.

Development contributions are a fee we charge for new developments to contribute to the costs of building the infrastructure that supports them such as:

- Transport, footpaths, roads and intersections
- Parks, park facilities and sports grounds
- Drainage systems and stormwater mitigation
- Community facilities.



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## RESOURCE CONSENT REQUIRED – SECTION 37 BUILDING ACT

The Building Consent Authority can grant a building subject to a certificate if a resource consent has not been obtained and the resource consent will or may materially affect the building work to which a PIM or Building Consent Relates. The certificate can prohibit or limit the amount of proposed building work until resource consent is obtained. The certificate will be attached to the PIM and or Building Consent.

## WAIVERS AND MODIFICATIONS – SECTION 67 BUILDING ACT

The Territorial Authority can grant a building consent subject to a waiver or modification to the performance criteria of the relevant building code clause and can include conditions. A waiver to accessibility requirements can only be issued by the Chief Executive of the Ministry Business Innovation and Employment.

Waivers and modifications will appear on a Land Information Memorandum for the property.

## BUILDING ON LAND SUBJECT TO A NATURAL HAZARD – SECTION 71 BUILDING ACT

A natural hazard under the Building Act includes;

- Erosion
- Falling debris
- Subsidence
- Inundation
- Slippage

A building consent authority must refuse to issue building consent for the construction or a building or a building or a building or major alterations if the building work is to be carried out on land subject to a natural hazard or the building work is likely to accelerate, worsen or result in a natural hazard on the land or other property.

Despite this if the applicant can demonstrate that adequate provision has been made to protect the land, building work or other property from the natural hazard the building consent authority may grant the building consent under section 72 of the Building Act – this will result in a condition on the building consent to the effect that the consent will be notified to either an appropriate Minister and the Surveyor General or the Registrar of the Maori Land Court or Registrar General of Land dependent on the owner who applies for the building consent.

## BUILDING ON 2 OR MORE ALLOTMENTS – SECTION 75 BUILDING ACT

Where an application involves the construction of a building over two or more allotments and they are held by the owner in fee simple the territorial authority must issue a building consent with a certificate that will trigger registration on the title that states; That the lots (specified allotments) must not be transferred or leased except in conjunction with any specified other or others of those allotments.



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## ALTERATION TO AN EXISTING BUILDING – SECTION 112 BUILDING ACT

When assessing an application involving the alteration of an existing building the building consent authority must consider the means of escape, access and facilities for the disabled and continued compliance with the building code in relation to the remainder of the building.

The applicant must provide sufficient information to demonstrate that the building will comply, as nearly as reasonably practicable, with the means of escape and accessibility provisions of the Building Code. Additionally, the proposed building work must not result in any reduction in the existing building's performance. For example, structural elements such as bracing must not be removed without appropriate compensatory measures being implemented.

The requirement to assess the accessibility of the building relates to all buildings that members of the public have access to, excluding household units and industrial buildings with under 10 staff.

## SPECIFIED LIFE – SECTION 113 BUILDING ACT

A building that has a specified life will have a requirement as a condition of the consent that building must be altered, removed or demolished on or before the end of the specified intended life and or any other condition the Territorial Authority considers necessary.

## CHANGE OF USE – SECTION 115 BUILDING ACT

A change of use means changing from one purpose group (Change of Use and Specified Systems Regulations) to another and in its new use the requirements of the building code are more onerous.

When a change of use is proposed the owner must notify the Territorial Authority and receive written notice that the Territorial Authority is satisfied that the building work incorporates the building of one or more household units where one didn't exist before the building, in its new use, will comply, as nearly as is reasonably practicable, with the building code in all respects; and in any other case will comply with:

- Means of escape from fire
- Protection of other property
- Sanitary facilities
- Structural performance
- Fire rating performance
- Access and facilities for the disabled

The remainder of the buildings attributes must continue to comply with the building code to the same extent as before the change of use (can't result in a reduction or performance)

## EXTENSION OR LIFE – SECTION 116/ 116A BUILDING ACT

An owner of a building with a specified life must obtain permission from the Territorial Authority to alter or extend the life of the building in accordance with any condition imposed under section 113 of the Building Act when the building consent was granted.

Where the building is subject to a subdivision and reliant on a certificate under section 224(f) of the Resource Management Act the Territorial Authority must be satisfied on reasonable grounds that the building will comply as near as reasonably practicable with the provisions of the building code that relate to;

- Means of escape from fire
- Protection of other property
- Access and facilities for the disabled

The remainder of the buildings attributes must continue to comply with the building code to the same extent as before the change of use (can't result in a reduction or performance)



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## HOW MUCH WILL IT COST?

This depends on the type of application, cost of work involved, and the level of detail provided. Our charges are based on the length of time it takes to process an application and include costs such as:

- A building levy is payable to the Ministry of Business, Innovation and Employment (MBIE) for all building consent applications where the estimated value of building work exceeds $65,000. The levy is calculated at $1.75 for every $1,000 or part thereof. For example, if the estimated value of building work is $32,300, the calculation would be 33 (rounded up from 32.3) multiplied by $1.75, resulting in a building levy of $57.75.
- Levies payable to BRANZ (The BRANZ levy is $1 per $1,000 for any building work with an estimated value of $20,000 or over.)
- Time spent processing the application
- Number of Inspections required (type and number vary depending on application)
- Issue of code compliance certificate
- Issue of compliance schedule (if applicable)
- Development contribution (if applicable)
- Vehicle crossing
- Street damage deposits (refundable on completion)
- Water meter connection (if applicable)
- Whether a “Development Contribution” applies to the proposed project
- An estimate of the fees involved may be provided, however the final cost will not be known until the application is processed.

A cancellation fee may apply if you withdraw your application.

## HOW IS MY APPLICATION PROCESSED?

All applications regardless of how they are received are put through a formal vetting process. The vetting process is not a technical check it is merely a check to see if all information has been provided. Your application may be rejected at this time if insufficient information has been provided.

The vetting checklist included with the building consent application form includes a list of information required by the Territorial Authority and Building Consent Authority to assess compliance with both the District Plan and Rotorua Civil Engineering Standards and the Building Act/Code.

Once the application is verified as complete, you will receive an invoice for a lodgement fee. On the receipt of the payment, the application will be entered into the computer system and is allocated a unique identifier (this is your building consent number). The 20-working day processing time clock starts on the day of payment.

The application is then allocated and circulated to the various disciplines within the Territorial Authority for assessment against the planning and engineering requirements. These include:

- Resource consent conditions
- Whether a “Development Contribution” applies
- Earthworks including any cut and fill, sediment control and contours
- Changing or creating a driveway or kerb (you require a road corridor access request)
- On site turning requirements (you cannot reverse out onto some roads in the district)
- Overshadowing (day light angles to be shown on elevations)
- Buildings in relation to public services (with or without easement)
- Connections to existing services (application for connections to water supply, storm water and sanitary sewer lines required)
- Overland flow and flood prone area



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Each discipline will review your application and assess it for compliance. If there are any questions or concerns a letter will be sent to you requesting further information or clarification.

The building consent authority will assess your application against the requirements of various sections of the Building Act and Building Code and must be satisfied on reasonable grounds that if the building was to be constructed in accordance with the building consent, then compliance with the building code would be met.

If there are any questions or concerns a letter will be sent to you requesting further information or clarification.

When a request for further information is sent the 10 or 20 working day clock is stopped, and processing is suspended until all requested information is provided. Once all disciplines involved in the process are satisfied that compliance is achieved, then a final check is made to ensure all work has been assessed correctly before the building consent is granted or refused. Once this approval or refusal is given an invoice is generated for the balance of the fees payable (inspections, code compliance certificate, etc.). Fees can be paid electronically or in person.

Upon payment of these fees, the consent will be issued (or refused).

## GRANTING OF THE BUILDING CONSENT

Section 49 of the NZ Building Act requires a BCA Grant a building consent - when it is satisfied on reasonable grounds that the provisions of the building code has been demonstrated and that if the building work were properly completed in accordance with the plans and specifications the building will comply with the NZ Building Code/Act, however, a building consent authority is not required to grant the building consent until it receives any charge or fee fixed by it in relation to the consent; and any levy payable under section 53.

## HOW WILL I BE NOTIFIED?

When processing is completed, you will receive an invoice for any outstanding fees. When all fees are paid your building consent if submitted in hard copy can be collected or posted to the contact person nominated on the application form. If the application is made electronically an email will be sent to the applicant which will contain a link to the approved building consent documents.

If your application is refused, then you will receive a letter advising you why your application has been refused.

## AMENDMENT TO YOUR BUILDING CONSENT

In some instances, you may wish to make changes to your building consent after it has been issued. If the changes are not minor in nature, they must be assessed by Council as a formal amendment rather than a minor variation. An application to amend a building consent follows the same process as a standard building consent application.

## WHEN CAN I START BUILDING?

Construction can only proceed upon the granting and issue of building consent; however, it is important to understand that if resource consent is required for your project and this has not been granted a section 37 Notice may be issued under the Building Act and this may include restrictions on all or part of the building work.



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## WHAT ARE BUILDING CONSENT CONDITIONS?

There may be conditions imposed on your building consent when granted that relate to;

- Inspection requirements (refer Section 90 NZBA 2004)
- Waivers and modifications (refer to section 67 commentary above)
- Building on land with natural hazards (refer to section 72 commentary above)
- Building on two or more allotments (refer to section 75 commentary above)
- Specified life of the building (refer to section 113 commentary above)

It is important that you read and understand all conditions of consent before commencing work. If you do not understand any conditions imposed, please contact us to discuss these.

## BEFORE STARTING WORK ON YOUR PROJECT

You must have approved consent and stamped building consent documents before work begins. These stamped documents must be always kept on site during the construction process.

Please note: The owner must ensure that the consent is issued prior to undertaking building/site works in association with the consent.

## HEALTH AND SAFETY OF BUILDING INSPECTORS

The owner or person in charge of the building work must ensure the site is safe and accessible prior to the inspector's arrival, and that someone is available to meet the inspector on site. All scaffolding and site conditions, including work such as drainage trenches, must comply with the Occupational Health and Safety Regulations 2017.

## WHAT INSPECTIONS DO I NEED?

When your application is being processed, we will assess your project to determine what key inspections will be necessary to enable us to be satisfied on reasonable grounds that compliance with the approved building consent documents will be achieved.

Each inspection will be identified along with the requirements for that particular inspection. A list of inspections will be attached to your building consent.

Typical inspections will include those relating to the;

- Structure (floors, wall and roof framing, moisture content, bracing)
- Weather tightness (flashings and cavity systems, building wrap)
- Plumbing and drainage (water test, drains under test)
- Insulation
- Safety features (specified systems, smoke alarms)
- Final inspection (work completed in accordance with building consent)

## INSPECTIONS BY OTHERS

Sometimes it is necessary for you to retain specialists to conduct inspections in addition to the inspections carried out by the building consent authority. If a specialist inspection is necessary, you will generally be advised before the consent is issued. Typically, these types of inspections may involve having a geotechnical engineer confirm ground stability or having an aspect of specific structural design checked by a registered engineer. Please ensure you read inspection requirements and are familiar with them before commencing work.



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## HOW DO I BOOK AN INSPECTION?

Building inspections are booked by phone through the consent solutions team (do not contact the building inspector directly) Ph. 07 349 5646. Inspections are undertaken Monday – Friday

8.00 am to 4.00pm (excluding public holidays). When booking an inspection, you will be required to provide us with the applicant's name, site address, building consent number and type of inspection required.

Allow at least 24 hours' notice for an inspection request, inspections will be booked on the next available time slot to suit the competency of the building project. Any inspection requests received after-hours or on weekends are booked into the booking system on the next working day.

From 22 August 2025, Regulation 7A – Building (Accreditation of Building Consent Authorities) Regulations 2006 sets the performance requirement for a minimum of 80% of inspections to be carried out within the period of 3 working days, after the date for inspection requested by the building owner or their agent.

## HOW DO I KNOW IF THE INSPECTION HAS BEEN PASSED?

NB: It is your (or your builders) responsibility to notify Council at a minimum, 24 hours before you require an inspection.

For an inspection to take place, the owner or their representative with the approved plans and documentation must be available on site. The area being inspected must have the appropriate access and safety features in place to allow the building inspector to undertake the inspection safely.

The building inspector will be inspecting the building work against these approved documents.

N.B: If we arrive on site and the documentation is not available, we will not undertake the inspection. We will, however, bill you for our time. On the conclusion of each inspection the outcome is recorded on a site inspection card (pass / fail). This is provided for your record and is required to be retained on site with the building consent documentation for the duration of the project.

## CONDITIONAL CONTINUATION OF WORK

In some instances, the inspection outcome may be identified as being a "conditional pass". This simply means that some aspects of the building work is not complete or in accordance with the building consent or additional documentation is required to ascertain compliance, this allows the building work to continue.

## MINOR VARIATIONS

On-site Minor variations should be processed and approved prior to the building works commencing.

A minor variation is a modification or change to a building consent that does not deviate significantly from the plans and specifications to which the building consent relates (i.e. does not impact on compliance with the NZ Building Code).

You will be required to stop working on that particular part of the project, complete the application with all the required documentation and book the relevant inspection type. Make sure you tell the inspections booking line this Inspection will need extra time for completing an onsite minor variation.

Minor variations can include (but are not limited to):

• the brand of insulation (as long as it has the same insulation rating and does not relate to acoustics or fire ratings);
• minor construction changes e.g. changing the framing method around a window.



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• Changing a room layout and/or the position of fixtures within a bathroom.
• the type or location of a bracing element.
• changing a comparable wall lining
If you are not sure if a variation is minor, speak to your building inspector as they can approve minor variations on-site with less interruption to construction.

## DO I NEED A FINAL INSPECTION?

Yes, all building consents require a final inspection. The BCA must make a decision as to whether the BCA will issue a code compliance certificate two years after the granting of the building consent or after any further period that may be agreed between the owner and BCA. If you cannot complete the work within this timeframe, it is essential that you contact us to discuss options. When all work has been completed in accordance with the building consent a code compliance certificate will be issued.

## NOTICE TO FIX (NTF)

A notice to fix is a statutory notice requiring a person to remedy a breach of the Building Act 2004 or regulations under that Act. A notice to fix can be issued for all breaches of the Act, not just for building work.

https://www.building.govt.nz/building-officials/guides-for-building-officials/issuing-notices-to-fix

## WHAT IS A CODE COMPLIANCE CERTIFICATE?

A code compliance certificate is the BCAs verification that the BCA is satisfied on reasonable grounds that all works undertaken comply with the building consent. It is an important document and should be retained for future reference.

## WHEN TO APPLY FOR A CODE COMPLIANCE CERTIFICATE?

An owner/agent must apply for a code compliance certificate as soon as possible after all work has been completed.

If you are unable to finish work within 24 months of it being granted, you may apply for an extension of time which will extend the date as to when Council needs to decide when to make the decision to refuse/grant the CCC.

The BCA must decide within two years from the date that the building's consent was granted (or the agreed date of completion) whether to either refuse or issue a CCC.

## HOW TO APPLY FOR A CODE COMPLIANCE CERTIFICATE?

Applications for code compliance certificate (Form 6) must be accompanied by any information prescribed in the Building Act electrical certificates, record of work from all licensed building practitioners (LBP) and if the project contained modular components, a current manufactures certificate.

ECM_2403630_v33_Form 6 Application for code compliance certificate (1).pdf

Additional information for consideration of issuing CCC that Council may require includes the likes of; producer statements from engineers for observing building work, 3rd party certification, as built plans and the likes. Council has 20 days from receiving an application for code compliance certificate (Form 6)

## DECIDING ON A CCC APPLICATION

Deciding whether to issue or to refuse to issue a CCC will depend upon:

- complying with the legal test in section 94(1)(a) of the Act and how the BCA applies the test of being 'satisfied on reasonable grounds'
- considering whether the specified systems in the building are capable of performing to the



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performance standards set out in the building consent

- considering whether there are any applicable warnings or bans related to any building method or product that may have been used
- Certification from a registered “modular component manufacturer (MCM) has been
- provided for any modular components.
- Where energy works have been undertaken then an energy work certificate will need to be supplied
- Whether a “Development Contribution” applies to the building consent.
- making a decision where no application has been made two years after the date on which the building consent was granted and after a 23-month warning letter has been issued
- making a decision about whether to extend the timeframe in which the code compliance of the building work may be determined.

A request for further information made as part of the review process will be made verbally or by email typically and the 20-day time clock will be turned off until the correct information is provided. Form 6 is available on our website. Additional fees and development contributions are payable before a code compliance certificate is issued.

## WHAT ABOUT ISSUING CODE COMPLIANCE CERTIFICATES FOR BUILDING CONSENTS ISSUED UNDER THE 1991 ACT OR FOR BUILDING CONSENTS THAT HAVE NOT BEEN ISSUED BY THE BCA?

Providing the council is satisfied that the building work complies with the building code and the provisions of the Building Act, then a code compliance certificate may be able to be issued. If council is not satisfied with whether the Act provisions are satisfied or is not satisfied that reasonable ground exists to enable the issue of a code compliance certificate, then issue may be refused.

Should council refuse to issue a code compliance certificate and you consider that this is not justified then you may wish to approach the Ministry of Business Innovation and Employment (MBIE) and obtain a determination.

## WHAT IS A DETERMINATION?

A determination is a binding decision made by the MBIE. It provides a way of solving disputes or questions about the rules that apply to buildings, how buildings are used, building accessibility and health and safety. Although determinations are generally sought because a building owner disagrees with the council about decisions made regarding their building, a determination can be applied for by council or by a neighbour who may be affected by building work.

## APPLYING FOR A DETERMINATION

To apply for a determination you will need to fill in Form D1 and Part 1 of Form D2 which are available on the MBIE website (www.mbie.govt.nz), and post this to MBIE with your supporting documents.



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## HOW LONG DOES IT TAKE TO GET THE DETERMINATION?

The Ministry is required to issue the final determination within 60 working days of receiving the application, or longer if agreed to by the parties. The 60-day period does not include time delay while waiting for information or comment from other parties - the 'clock is stopped' during these times. If you can't provide the information by the date given, you may request an extension.

The Ministry has the power to make the determination if the information requested is not provided in reasonable time.

Building work that may need to be done before a determination is issued If you have been sent a notice to fix about work that is unsafe, you must comply with this notice. Otherwise, council can't require you to carry out building work related to the determination unless the Ministry agrees this is necessary.

## SALES BY COMMERCIAL ON SELLER - SECTION 362V

Section 362 of the Building Act 2004 introduces important consumer protection measures covering the sale of household units by residential property developers or 'spec' builders. It is an offence for a residential property developer to complete the sale or allow a purchaser to take possession of a household unit before a code compliance certificate has been issued.

A person who commits an offence under section 362V is liable to a fine of up to

$200,000. This fine applies to each household unit sold without a code compliance certificate. Note: This legislation does not apply to contracts for sale and purchase entered into before 30 November 2004.

## WHAT IS THE REASON FOR THIS?

People buying a residential property from a commercial on seller have a right to expect it to be completed and to comply with the Building Code. The onus for making sure a building complies with the Building Code is on the developer as they have control of the building process.

## WHAT IS MEANT BY A 'HOUSEHOLD UNIT'?

A household unit is a building or group of buildings intended to be used mainly for residential purposes and by one household (e.g., house, apartment or flat). It does not include a hostel or boarding house.

## WHAT DOES 'COMPLETE THE SALE' MEAN?

Completing the sale' means accepting final payment and transferring the title. You can accept progress payments for the job.

## HOW IS A 'COMMERCIAL ON SELLER' DEFINED?

A commercial on seller includes any person who, in trade, builds or arranges to build a household unit for the purpose of selling it. This could include large developers, builders or individuals building homes on 'spec'. It also includes a person who, in trade, buys a household unit from a builder or developer with the intention of selling it on.

## CAN YOU CONTRACT OUT OF THIS REQUIREMENT?

The commercial on seller and purchaser may contract out of this provision but only on a form prescribed under the Building (Forms) Regulations 2004. This form (Form 1) makes the

consequences of buying a property without a CCC clear to consumers. It also advises consumers to obtain independent legal advice before signing. Copies of Form 1 are available from council or our website. Alternatively, you can try the MBIE website www.mbie.govt.nz.



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## COMMERCIAL AND INDUSTRIAL PROPERTIES SECTION 363 PUBLIC PREMISES

If your building is open to the public, whether for free or payment of a charge, the building cannot be used / occupied until a code compliance certificate is issued. This is because public premises will generally have systems within the building which contribute to life safety and well-being of the building user. (These systems are called specified systems). In certain circumstances it may

be possible to apply for a certificate for public use, which will allow a building to be used before the code compliance certificate is granted. Each application will be considered on a case-by-case basis

## WHAT ARE PUBLIC PREMISES?

Any building which is open to the public whether for free or payment of a charge, including:

- shopping malls
- cinemas
- maraes
- camping grounds
- garages and workshops
- funeral homes
- office / retail complexes
- rest homes, etc

## WHAT IS A COMPLIANCE SCHEDULE?

A compliance schedule is a document issued by the building consent authority for buildings that contain specified systems.

Specified systems include:

- automatic systems for fire suppression
- automatic or manual emergency warning systems for fire or other dangers
- electromagnetic or automatic doors
- emergency lighting systems
- escape route pressurisation systems
- riser mains for use by fire services
- automatic backflow preventors
- connected to a potable water supply
- lifts, escalators, travelators, or other systems for moving people or goods within buildings
- mechanical ventilation or air conditioning systems
- building maintenance units providing access to exterior and interior walls of buildings
- laboratory fume cupboards
- audio loops or other assistive listening systems
- smoke control systems
- emergency power systems for, or signs relating to, a system or feature specified for any of the above
- A single household unit will require a compliance schedule, if it contains a cable car or is serviced by a cable car.



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A compliance schedule lists the systems and features, including the inspection, maintenance and reporting procedures needed to keep them in good working order. A compliance schedule must be kept on site and made available to building officers, Independent Qualified Persons (IQP's) and authorised agents

## WHAT IS A COMPLIANCE SCHEDULE STATEMENT?

A compliance schedule statement is issued by the building consent authority and serves as temporary notification of compliance schedule requirements. It will list the inspection,

maintenance and reporting procedures necessary to keep the specified systems in good working order. It is issued at the same time as the code compliance certificate. It must be replaced in 12 months with a building warrant of fitness, which is issued by the building owner.

## HOW DO I OBTAIN A COMPLIANCE SCHEDULE?

A compliance schedule must be applied for at the same time a building consent application is made and will be issued with a code compliance certificate by the building consent authority for:

- new buildings (if the building has one or more specified systems), or
- An upgrade to an existing building or systems, required as a result of a change of use or alterations, which may also require a building consent.

## WHAT INFORMATION DO I NEED IF I AM APPLYING FOR A COMPLIANCE SCHEDULE?

Your designer should provide you with information relating to the performance standards for each specified system contained within the building. These performance standards will identify the inspection, maintenance and reporting procedures required for each system.

## CAN I BE PROSECUTED FOR NOT OBTAINING A COMPLIANCE SCHEDULE OR IF MY BUILDING WARRANT OF FITNESS HAS EXPIRED?

Yes, depending on the alleged offence the fine ranges from $20,000 to a maximum of $200,000.

## WHAT IS A BUILDING WARRANT OF FITNESS? (BWOF)

A building warrant of fitness (Form 12) is a statement issued by the building owner to Council stating that the requirements of the compliance schedule have been fully met. The building warrant of fitness must have attached to it all certificates of compliance issued by the Independent Qualified Persons (IQP) or Licensed Building Practitioner (LBP). These documents must be issued in the prescribed form (Form 12A) and certify that the inspection, maintenance and reporting procedures stated in the compliance schedule have been fully complied with during the previous 12 months. The BWOF must be re-issued to Council on the anniversary of the issue of the compliance schedule (every 12 months) for the life of the building.



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## WHAT DOCUMENTS SHOULD I KEEP REGARDING THE BUILDING WARRANT OF FITNESS?

You are legally required to obtain written reports relating to the inspection, maintenance and reporting procedures of the compliance schedule which must be signed by the Independent Qualified Persons (IQP) or Licensed Building Practitioner (LBP) who has carried out any of the listed procedures, (inspection, maintenance or reporting). You are required to keep all reports together with the compliance schedule for a period of 2 years.

## WHAT IS AN IQP (INDEPENDENT QUALIFIED PERSON)

An Independent Qualified Persons (IQP) is a person who is qualified to carry out any performance inspection, maintenance, reporting or recommendation on a specified system. All Independent Qualified Persons (IQP) are required to be registered with Council who rely on those IQP's registered on the Hamilton City Council IQP List.

## COMPLAINTS

A customer has a right to appeal or to complain about any building control function the building consent authority undertakes; and have this heard and be properly managed. Complaints provide feedback about service experience and give us the opportunity to improve our performance.

You can make a complaint in person; however, it must be accompanied in writing.

Complaints not made in writing or made anonymously will not be actioned. All complainants will be responded to in timely manner. Complaints or Appeals should be addressed to:

Manager Building Services
Rotorua Lakes Council Private Bag 3029
Rotorua



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ROTORUA
LAKES COUNCIL
Te Kaunihera o ngā Roto o Rotorua

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