



**WHANGANUI**  
**DISTRICT COUNCIL**  
Te Kaunihera a Rohe o Whanganui

# Building Consent Process

## Historic Code Compliance Certificate (5yrs+)

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## Background

The Building Act sets the expectation that every building consent should have a code compliance certificate (CCC) to show the work has been completed and meets building regulations. However, in some cases this final sign-off process has been overlooked.

Some owners may not know that it is their responsibility to request a CCC and others believe their contractors are taking care of it. Some projects are never finished, or people forget to let the Council know that the project is finished.

Sometimes people buy properties not knowing that building work did not have a CCC. This guide is to inform the owner (or their agent) of steps they could take if they find that their property has outstanding building consent/s and they want to obtain a CCC from Whanganui District Council.

## No code compliance certificate – what’s the issue?

Recently there has been an increased awareness of the need for building work to have a CCC. Some banks won’t lend against a property if there is no formal sign-off for building work, and some insurance companies won’t cover building work if it doesn’t have a CCC.

Many owners only discover they have no CCC when they decide to sell or when a prospective purchaser gets a report on the property.

That’s when owners contact the Council. However, when the building consent is for work that is already five or more years old, we face some challenges.

Before the Council can issue a CCC, we must be satisfied ‘on reasonable grounds’ that the work complies with the New Zealand Building Code and the approved building consent. One section of the Building Code (Clause B2 Durability) requires that the work complies not only on the day the CCC is issued but also that elements of the work will continue to comply for five, 15 or 50 years.

In cases where the building work is already five or more years old then parts of the work may have already exceeded its expected durability or manufacturer’s warranty for the products used. While there are options for working through this issue there may ultimately be situations where the Council is unable to issue a CCC because we cannot be satisfied that the work will comply with the Building Code.

## Process for old consents

The Council has developed a process for dealing with old building consents when an owner asks about obtaining a CCC. This process provides a fair and transparent means of assessing the level of compliance required to sign off a building consent.

## Why?

The Building Code has specific time periods set out for durability of various elements of construction. The longer building work is left before applying for a CCC, the harder it is to determine whether the

work currently complies with the Building Code and that it will continue to comply with the Building Code for the specified time.

The durability time frame starts from the date the CCC is issued by the Council.

### How old is old?

Any building consent that is over five years old is considered to be an old consent.

### Owner enquiry

The enquiry to book an inspection or request information about an outstanding building consent must come from the owner or their authorised agent. We need an application for a CCC to start the process. This can't be done by a prospective purchaser.

Enquiries can be made by phoning 349 0001. It is important that the owner is aware that there may be fees to pay for this process.

### Initial assessment

On application our building officers then review the consent documentation and consider:

- the age of the building work
- the complexity of the design
- the materials used
- inspections already carried out
- any outstanding matters, including fees

### An inspection will be carried out

The owner/agent will call WDC to book the appropriate inspection. When officers inspect the building work they will assess whether the work complies at that time and also whether they can be satisfied on reasonable grounds that the work will continue to comply. Remedial work may be required before the CCC can be approved.

If officers are satisfied that the work complies on the day but the durability requirements of the Building Code cannot be met, the owner may apply for a modification of the Building Code.

### An inspection will not be carried out

In some cases officers decide, based on the review of the file, that the work would be unlikely to comply if it was inspected and so it would be unreasonable for the owner to incur inspection costs when they were unlikely to obtain a CCC.

In these circumstances owners may:

- supply evidence that the building work complies
- take no further action.
- any outstanding fees must be paid.

### Take no further action

The owner can choose not to pursue a CCC at any time. If so, the Council will not take further action unless it becomes aware that the building work is potentially dangerous or insanitary as defined in the Building Act.

### What is a modification of the code?

If officers are satisfied that work complies on the day of inspection but believe it will not continue to comply for the required time, they will advise that a CCC could not be issued without a modification to Building Code Clause B2 (Durability).

Effectively, this means that the durability requirements are measured from an agreed date – usually the date agreed on for practical completion.

The modification may be for all building elements or for specific parts of the work, e.g. roofing, cladding, windows or wood burner. When completing an amended building consent application the wording to be applied to the sections titled [Project details](#) and [Building Code](#) by the applicant are as follows:

*Modification to Clause B2 of the New Zealand Building Code. To the extent that Clause B2, 3.1 applies from Practicable Completion instead of the date of issue of the Code Compliance Certificate for all the building elements.*

### If you don't agree with council's decision

If, at any time, an owner (or their agent) does not agree with the Council's decisions they can apply for a 'determination' from the Ministry of Business, Innovation and Employment (MBIE) about the Council's decision not to issue a CCC.

A determination considers information provided by the owner and the Council. It will need to cover how the building work complies with the Building Code clauses that apply to the particular project. In most cases, MBIE will engage its own expert to provide an independent assessment of the work. The result of the determination is binding on all parties and will become part of the record for the property.

More information about applying for determination, and fees, can be found on the MBIE website - [building.govt.nz](http://building.govt.nz).

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