

# Building consent conditions

## Information sheet



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Once you have made an application for building consent and before the application can be granted (approved), Council must identify any relevant conditions applicable to your project. These conditions relate to specific sections 67, 72, 75, 90, 113 of the Building Act 2004 and will be identified on the building consent documentation.

### **Waiver and modifications (Section 67)**

Waivers and modifications allow the territorial authority ('TA' or Council) to exercise judgement when dealing with unusual building compliance situations. A waiver or modification of the Building Code may be subject to any conditions the Council considers appropriate and these conditions are identified within the building consent documentation.

### **Building on land subject to natural hazards (Section 72-73)**

Your consent application may be subject to natural hazards, Council is required to assess whether your project will be subject to one or more of these hazards (identified in Section 71 Building Act).

1. Erosion (including coastal, bank and sheet erosion)
2. Falling debris (including soil, rock, snow and ice)
3. Subsidence
4. Inundation (including flooding, overland flow, storm surge, tidal effects and ponding)
5. Slippage.

If any of these natural hazards are identified as being applicable to your project other relevant parties may be notified. These may include:

- a) In the case of an application made by, or on behalf of, the Crown, the appropriate Minister and the Surveyor-General; and
- b) In the case of an application made by, or on behalf of, the owners of Māori land, the Registrar of the Maori Land Court; and
- c) In any other case, the Registrar-General of Land.

### **Construction of building on 2 or more allotments (Section 75, 77)**

If your building project involves building work that comprises of (crosses the boundary) 2 or more allotments, the council is required to undertake certain obligations.

The territorial authority (council) must issue a certificate (section 77 certificate) stating that, as a condition of the building consent for the building work to which the application relates, 1 or more of those allotments specified by the territorial authority (the specified allotments) must not be transferred or leased except in conjunction with any specified other or others of those allotments.

Therefore the building consent cannot be granted until the certificate has been issued or at least a copy of the certificate has been lodged with the Register-General of Land (LINZ).

This condition will be noted within the building consent documentation.

## Inspections by building consent authorities (Section 90)

Every building consent is subject to the condition allowing agents (staff or contractors) that are authorised by council to carry out inspections during normal working hours for the purpose to inspect;

- a) Land on which building work is being or is proposed to be carried out; and
- b) Building work that has been or is being carried out on or off the building site; and c)  
Any building.

In this section, inspection means the taking of all reasonable steps to ensure that building work is being carried out in accordance with a building consent.

## Buildings with specified intended lives (Section 113)

When you make an application for a building consent, either a new build or an alteration to an existing building and you have stated that the intended life is to be less than 50 years, council may grant (approve) the consent which will be subject to:

- a) The condition that the building must be altered, removed, or demolished on or before the end of the specified intended life; and
- b) Any other conditions that the territorial authority (council) considers necessary.

These conditions will be noted within the consent documentation.

## Glossary of terms

Description	Term
Ministry of Building, Innovation and Employment	MBIE
Land Information Memorandum	LIM
Project Information Memorandum	PIM
Licensed Building Practitioner	LBP
Building Research Association of New Zealand	BRANZ
Environment Canterbury	ECan
New Zealand Building Code	NZBC
Restricted Building Work	RBW

## Other information sheets available

Description	Code
Fees and charges	IS-101
Change of use	IS-105
Demolition	IS-106
Effluent disposal and waste water treatment systems	IS-107
Relocating a dwelling / building	IS-109
Transportable buildings	IS-110
Domestic smoke alarm systems for dwellings	IS-111
Accessible facilities	IS-115
Amusement devices and marquees	IS-116
Essential features of a producer statement	IS-122
Exempt building work	IS-123
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