

Code Compliance Certificates relating to older building consents (B2 durability modifications)



Information sheet

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The issuing of a code compliance certificate (CCC) is a statement (in time) confirming that building work, relating to a building consent, has been completed and is in accordance with that consent, complying with the building code.

Many building consents have not had their CCC issued and this is mainly due to the owner or builder thinking that the other was sorting it out or they believe that council will follow it up. While council will send out a reminder after 2 years (from the issued date), ultimately the owner is responsible for ensuring their consents are signed off.

Building Code Clause B2 Durability contains provisions that, in general terms, require all building elements to be durable for prescribed periods of time, assuming normal maintenance has been carried out. These durability periods range from five years to the life of the building (being not less than 50 years). However the longer this takes the more difficult it becomes for the Building Consent Authority (BCA) to decide on whether they can issue the CCC or not. This is due to the limitation on the durability Clause (B2.3.1) that states the durability periods commence when the BCA issues the CCC for that work.

Considerations

There are many considerations the BCA has to make when deciding to issue a CCC. These are dependent on each situation and on a case by case basis. Some of the considerations can be difficult for the BCA to assess due to certain building elements having already been in service for a significant time and their durability periods have either partly or fully expired.

Another part of this process is for the owner and BCA to consider is to modify the durability of the consent. This is known as a Modification to B2 durability, with this process managed through an amendment to the original building consent. This process allows the BCA to consider when the applicable building elements were completed and to formally record this in the consent.

Therefore the following situations are considered by the BCA when assessing and deciding to issue CCC's within these time periods.

Building Consents Granted Within 5 years

The issuing of the CCC within this time period should not require any additional considerations to the requirements as set out in the original consent documentation, for example but not limited to;

- Application for CCC
- Energy works certificates
- Producer statements
- Drainage plans

These are typical requirements as the shortest durability period of 5 years has not yet expired.

Building Consents Granted Within 6-15 years

For the BCA to consider issuing CCC's for this period, additional considerations will be made. This is due to the first durability period (5 years) has expired and certain building elements, materials and systems have served their durability period.

Therefore the BCA will work through the following steps:

- Request the owner or agent to apply for an amendment to the consent, modifying the durability of the specific materials or systems that have exceeded their performance (5 years).
- Ensure the B2 modification form (consent forms & check lists on website) has been completed and provided with the application to amend the building consent.
- Ensure a practical completion date, agreed between owner and BCA, has been provided on the B2 modification form.
- Only once an amendment application has been approved, can the BCA be in a position to consider issuing the CCC.

Note: The BCA may require certain remedial work to be undertaken as a result of granting the amendment. This work may require further inspections and must be completed with all associated costs paid before CCC can be issued.

The BCA shall work with the owner and or agent to assist (regulatory capacity only) in the CCC process, however, should the owner or agent not agree to this course of action, the BCA may do any of the following:

- Refuse to issue the CCC; or
- Request the owner or agent apply to MBIE for a determination; or
- The BCA may apply to MBIE for a determination.

If the BCA refuses to issue the CCC, reason/s for the refusal will be provided to the owner or agent.

Should a determination be sought, the findings of that determination are final and binding to all parties concerned and must be acted on accordingly.

Building Consents Granted Older than 15 years

For the BCA to consider issuing CCC's after this period, will require a substantial amount of consideration by the BCA, as many building materials and or systems have exceeded their durability performance requirements, therefore verifying compliance may not be achieved. These situations can be very difficult for the BCA to assess, therefore the following needs to be considered:

- The BCA shall request the owner or agent to apply for an amendment to the building consent, modifying the durability.
- Ensure the B2 modification form (consent forms & check lists on website) has been completed and provided with the amendment application.
- Ensure a practical completion date, agreed between owner and BCA, has been provided with the amendment application.
- Only once an amendment application has been granted can the BCA be in a position to consider issuing the CCC.

- The BCA may require certain remedial work to be undertaken as a result of granting the amendment and this work must be completed, inspected and “passed” with all outstanding fees paid in full before the CCC can be issued.
- The BCA may require the owner to engage in one or more suitably qualified professional/s to assess the building or building work and provide documentation of the assessment/s and any recommendations to the BCA for consideration.

The BCA shall work with the owner and or agent to assist (regulatory capacity only) in the CCC process, however, should the owner or agent not agree to this course of action, the BCA may do any of the following:

- Refuse to issue the CCC; or
- Request the owner or agent apply to MBIE for a determination; or
- The BCA may apply to MBIE for a determination.

If the BCA refuses to issue the CCC, reason/s for the refusal will be provided to the owner or agent.

Should a determination be sought, the findings of that determination are final and binding to the parties concerned and must acted on accordingly.

For any further information or any questions you may have relating to getting your code compliance certificate issued (signed off) you can contact the Building Advisory Office on 03 687 7236 or email building.advisory@timdc.govt.nz or you can come into the advisory office between normal working hours to discuss your consent.

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

Building code clauses	IS-114
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