



Code compliance certificates

An overview for owners

www.selwyn.govt.nz

This guide provides information to help building owners and agents understand the process and common requirements involved in obtaining a code compliance certificate.

Your responsibilities as the building owner

As the owner you are responsible for applying for a code compliance certificate in the prescribed form (Form 6). This should be done as soon as practicable after the consented building work has been carried out, and within two years of the date when the building consent was granted.

Your application should be supported with any records of work provided by licensed building practitioners (LBPs) and required documentation as noted on your building consent and inspection notice(s).

Overdue projects

If your project is not completed within this timeframe you can apply for an extension under section 93 of the Building Act 2004.

Where an application for a code compliance certificate has not been made within the two year period, the building consent authority must make a decision as to whether or not to issue a code compliance certificate. This usually involves an inspection to determine if work has been completed, and may result in a notice to fix being issued.

Note: any additional inspections to those included on your building consent and any notice to fix incur additional costs that will be invoiced to you.

Residential property developers need to obtain a code compliance certificate before a purchaser moves into a property or completes a transaction on a property. The standard real estate sale and purchase agreement contains two clauses in particular relating to vendor warranties and building work undertaken on the property. These include ensuring work undertaken with the authorisation of a building consent has been completed and a code compliance certificate issued.

For further reading refer Building Act 2004 section 362V.

Code compliance certificate explained

A code compliance certificate is the last step in the building consent journey. It provides you as the owner, and subsequent property owners, assurance that the work is safe, durable and healthy.

To determine that the completed building work complies, a final inspection is carried out. The Building Control Officer (BCO) inspecting the building work will give consideration to issuing a code compliance certificate only once they are satisfied on reasonable grounds that:

- the completed building work complies with the building consent
- the building work complies and will continue to comply with the building code, and
- all required documentation has been provided.

The certificate is then issued or refused.



Applying for your code compliance certificate

At Selwyn District Council we encourage code compliance certificate applications to be made prior to the final practical completion inspection being booked. There are two ways to apply:

1. The most efficient way to apply is via the AlphaOne electronic building consent system (consents-sdc.abcs.co.nz).
2. If your building consent number is before 130000, then you will need to complete a hardcopy code compliance certificate application (Form 6). This can be found on the Council's website (www.selwyn.govt.nz/my-property/building/application-forms-and-check-lists), or alternatively a hardcopy can be obtained from the Council offices.

What to supply

- ☐ Code compliance certificate application

All parts of Form 6 must be completed correctly.

- ☐ Supporting documentation

Your building consent lists the required documentation under listed conditions and required documents. All documents listed need to be provided in support of your application before it will be considered for code compliance.

Your latest inspection report may identify further documentation or evidence required to support your code compliance certificate application.

- ☐ Memorandum from licensed building practitioner (LBP)

LBPs are required for all restricted building work for consents from 2012 onwards. Record of works documents must be complete, including but not limited to:

- ☐ Building consent number
- ☐ Registration number
- ☐ Project site address
- ☐ Scope of work completed
- ☐ Identification of what building code clauses the work completed meets
- ☐ A signature and date of the LBP

- ☐ Checklist for code compliance certificate

A code compliance certificate checklist to assist you in gathering the necessary information for your application is available on our website (www.selwyn.govt.nz/my-property/building/application-forms-and-check-lists).

Note: you can still apply for a code compliance certificate for any 'outstanding' building work carried out from a building consent issued before 2013. The process for this is outlined in the following diagram.



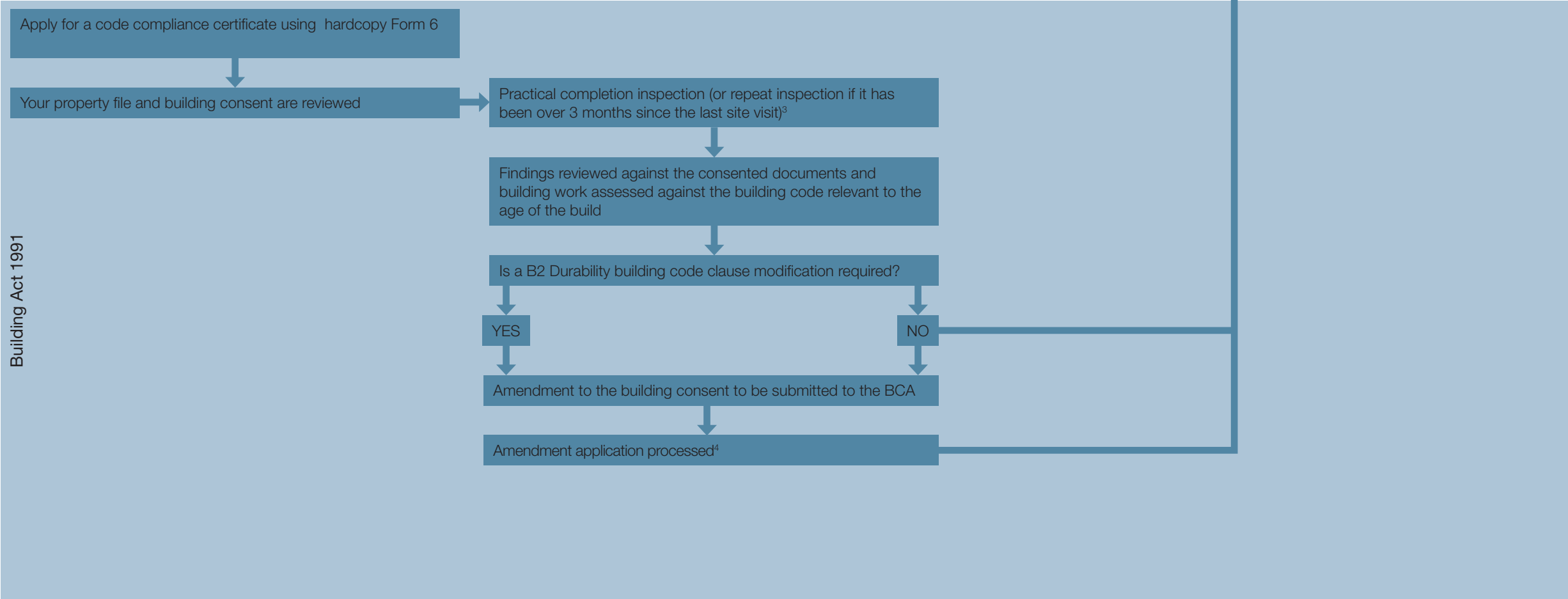
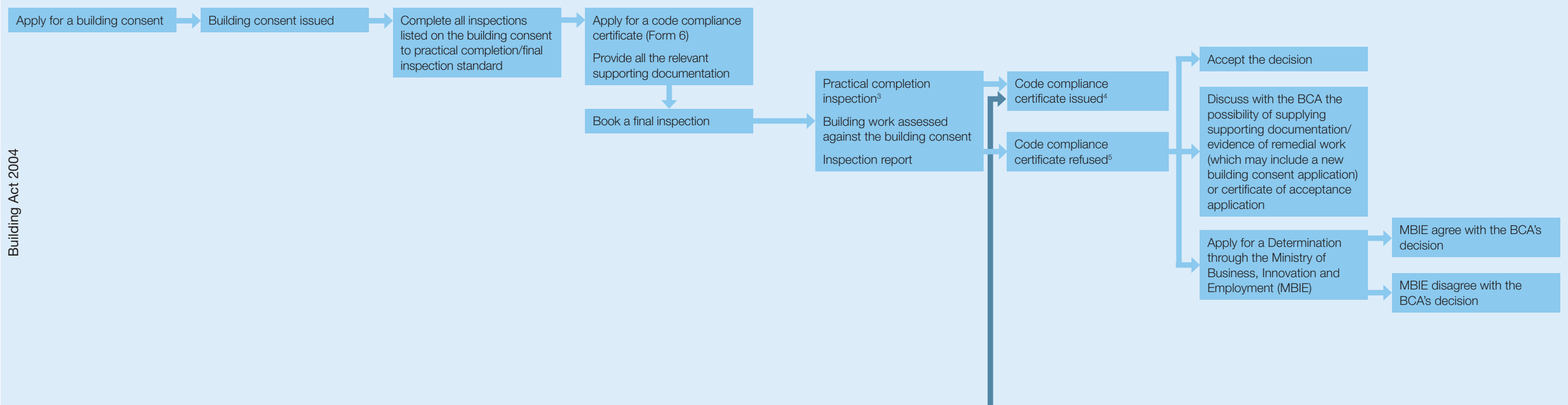
Code compliance certificate process

20 working days

Work must begin within 12 months of building consent issue date¹

Code compliance certificate must be applied for within 24 months of building consent issue date¹

Building consent issued under the Building Act 2004 = 20 working days²
Building consent issued under the Building Act 1991 = no statutory timeframe²



1. If the 12 month or 24 month requirements are not likely to be met, an extension of time can be applied for by emailing a request to bca@selwyn.govt.nz or xxxxxx@sdcs.abcs.co.nz (where xxxxxx = BC number) (for 2013 consents onwards)

2. Following a passed final inspection and complete code compliance certificate application, the building consent authority has 20 working days under the Building Act 2004 and no statutory timeframe under the Building Act 1991to consider the application

3. Complete copy of the consented documents must be onsite; notes and photos will be taken during this visit

4. 20 working day timeframe from application to amendment

5. Code compliance decision is recorded on the property file

Timeframes for getting your building consent

If your building consent was issued under the Building Act 2004, the building consent authority has 20 working days to process your application. This time clock can be put on hold while awaiting further information and inspections.

We encourage you or your agent to submit the required documentation during your build to help avoid delays with the issuing of your code compliance certificate.

Code compliance certificates are only issued once all fees have been paid, including any outstanding development contributions. If applicable, any development contributions are advised in a certificate attached to your building consent.

The timeframe to issue a code compliance certificate for building consents issued prior to 2013 varies depending on the age of your building consent and the documentation supplied with your application for code compliance certificate.

Consents issued under the Building Act 1991

If your building consent was issued under the Building Act 1991, there is no set timeframe in which the building consent authority must assess your application.

The longer building work is left before applying for a code compliance certificate, the harder it is to determine whether the work complies with the building consent issued and the building code, and whether the building work will continue to comply with the durability requirements of the building code for the specified time.

Durability timeframe

The durability timeframe (lifespan of elements of the building) starts from the date the code compliance certificate is issued by the building consent authority.

The age of your building consent is significant, because of specified durability time periods of various elements of construction within the building code. For example, building code clause B2 (durability) requires that the work complies not only on the day the code compliance certificate is issued, but also that elements of the building 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 and/or manufacturer's warranty for the products used.

Lapsed durability timeframes

While there are options for working through lapsed durability or manufacturers' warranties, there may be situations where the building consent authority cannot be satisfied on reasonable grounds that the work will comply with the building consent issued and/or the building code, and is unable to issue a code compliance certificate.

If you have an interim code compliance certificate under the Building Act 1991, you will still need to apply for a final code compliance certificate using the process outlined for building consents issued before 2013. This is because they are not a final code compliance certificate, and they no longer exist under the current Building Act 2004.

Further considerations for commercial building code compliance

In addition to the above, commercial, industrial or communal (public use) buildings may have further requirements to meet code compliance. This depends on whether specified systems (eg safety and essential systems including sprinklers, fire alarms, escalators, etc) have been installed in the building.

Owners of these types of buildings must ensure the ongoing compliance of their building, for the safety of people entering, occupying or working in it.

If your building has specified systems, submit with your application:

- Evidence that the specified systems are capable of performing to the performance standards set out in the building consent.
- Installer's certification and producer statement.

The Council will issue a compliance schedule and compliance schedule statement for the specified systems before issuing your code compliance certificate.

For further details on compliance schedules visit the Council website (www.selwyn.govt.nz/csinfo).

Being open to the public during building work

If your building needs to operate while building work is being completed, you can apply for a certificate for public use under section 363A of the Building Act 2004. This certifies that existing premises or parts of premises affected by building work are safe to be used by members of the public while the building work is being carried out. To apply complete Form 15 (available on our website - www.selwyn.govt.nz/buildingapplications).

Council will only issue a certificate for public use where a building consent has been granted for building work, but no code compliance certificate has been issued yet.

Note: a certificate for public use does not relieve the building owner from the obligation to apply for code compliance certificate after all the building work has been completed.

Refusal of code compliance certificate

There may be reasons why a code compliance certificate may not be issued:

1. Remedial work may be required, which will be notified to you via a notice to fix.
2. You may require an application for a building code clause B2 (durability) modification amendment to your building consent due to the age of your building consent.

This is a formal amendment to the original building consent that amends the performance requirement B2.3.1 to apply from the time which the consented building work was substantially completed, instead of from the time of issue of the applicable code compliance certificate.

If a modification amendment is required, the inspecting Building Control Officer will advise of this requirement after the final inspection. You will then need to complete and submit the necessary documentation to the building consent authority for review.

Useful website links

- AlphaOne building consent system - www.consents-sdc.abcs.co.nz
- Compliance schedules & building warrant of fitness - www.selwyn.govt.nz/bwof
- Code compliance certificate application form - www.selwyn.govt.nz/buildingapplications
- Licensed building practitioners register - www.lbp.govt.nz
- Ministry of Building, Innovation & Employment - www.mbie.govt.nz
- New Zealand building code - www.building.govt.nz

Appealing Council decision

If the Council refuses to issue a code compliance certificate you can appeal the decision through the Ministry of Building, Innovation and Employment (MBIE) via the determination process. A determination is a legally binding ruling made by the MBIE about matters of dispute to do with building work. Information on determinations can be found on www.building.govt.nz/determinations.

Note: you can still sell your house without a code compliance certificate. It may however affect how the sale and purchase agreement is worded, and can potentially impact insurance and/or the final builder payment by the bank.

Building Act terms explained

Application for code compliance certificate (Form 6) – this form must be completed in full, accompanied by any required supporting documentation as advised on the building consent and any inspection notices. It is formal notification to the building consent authority that the work is complete.

Building consent (Form 5) (BC) – a formal approval from a building consent authority that intended building works meet the requirements of the New Zealand Building Act, building regulations and building code.

Building consent authority (BCA) – local Council or organisation responsible for carrying out building control functions under the Building Act 2004, eg Selwyn District Council.

Code compliance certificate (CCC) – a formal document issued by a building consent authority when all the work covered by a building consent is deemed compliant.

Certificate of public use (CPU) – formal document issued for commercial projects when the Council is satisfied the premises are safe for the public to use, before a code compliance certificate is issued.

Development contribution (DC) – enables Territorial Authorities to recover a fair, equitable and proportionate portion of capital expenditure cost from developers. This contribution helps to pay to maintain council services for the new development work undertaken.

Licensed building practitioner (LBP) – LBPs are registered and required to keep their skills and knowledge up to date. LBPs are licensed for the type of work they do and must carry out or supervise the work they are signing off. Restricted building work covers multiple areas including carpentry, roofing, external plastering, brick and block laying, and foundations.

New Zealand Building Act 2004 (NZBA) – provides for the regulation of building work, establishment of a licensing regime for building practitioners, and the setting of performance standards.

Notice to fix (NTF) – statutory notice issued stating work required to be carried out to remedy a breach of the Building Act 2004 or regulations under the Act, with a timeframe for completion.

Producer statement 3 – Construction (PS3) – a statement from someone suitably qualified, who has carried out building work, to say it has been done in accordance with the design and New Zealand building code.

Producer statement 4 – Construction review (PS4) – a statement from a suitably qualified professional, who has monitored the construction work on site, to say it has been done in accordance with the design and New Zealand building code.

Restricted building work (RBW) – work that is critical to making a home structurally sound and weathertight. You must use licensed building practitioners (LBPs) to design and carry out this work.

Restricted building work memorandum – Design (RBWM) – under the law, each LBP who works on the design of your home must provide a certificate of design work.

Record of building work (ROW) – under the law, each LBP who works on your home must provide a Record of Building Work for any restricted work they have carried out.

Territorial authority (TA) – local council responsible for a range of services including building, local regulations, roading and town planning etc.

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Disclaimer: This guide is intended to provide an overview of the Code Compliance Certificate process and requirements and every effort has been made to ensure the information is accurate at the time of publication. Please contact the Selwyn District Council building department if you wish to discuss your individual situation.