

Older Code Compliance Certificate Review and B2 Durability Modification Form

This form is to be completed in conjunction with an application for Code Compliance Certificate for any building consent that is more than four years old, since date of issue.

The Building

Building Consent number: _____

Site Address: _____

Contact Details:

Email Address: _____

Mobile/Landline Number: _____

Application

- ☒ I wish to apply for a Code Compliance Certificate review of the above Building Consent
- ☒ I agree to pay any fees associated with this review
- ☒ I request a modification to the start date in respect of Compliance with Building Code Clause B2

Durability and confirm to the best of my knowledge, the 'date of substantial completion' for this project is

Signature of Owner or Agent

on behalf of and with the authority of the owner: _____

Print Name of person signing: _____

Date: _____

COUNCIL USE ONLY

Agreed date of substantial completion: _____ Modification approved: YES / NO

Reason/s for Decision: _____

Signature of Officer: _____ Print Name: _____ Date: _____

Once the date is agreed between Council and the owner, the CCC will be issued with the following statement:

*This code compliance certificate has been issued subject to a modification of Clause B2.3 of the New Zealand Building Code. The modification has the effect that the required durability periods for building elements put in place during the course of the work carried out under this building consent, are to be measured from the date of substantial completion of the building work being the agreed date. The agreed date is **(agreed date inserted here)**, not the date of issue of the code compliance certificate.*

WHAT IS A MODIFICATION?

A modification allows the Council to exercise judgement when dealing with unusual building compliance matters. All applications for building consent are required to comply with the mandatory provisions of the New Zealand Building Code. Clause B2 of the NZBC deals with Durability; this clause contains provisions that, in general terms, require all building elements to be durable for a certain period, assuming normal maintenance. The periods are contained in Clause B2.3.1 and range from 5 years to the life of the building, being not less than 50 years. The required durability periods for individual building elements are determined by their use in the building, ease of detection if the element fails, and the ease with which the element can be accessed and replaced.

Clause B2.3.1 states that the durability period commences when Council issues the code compliance certificate (CCC) for the work concerned. In the normal course of events, the CCC is issued at about the same time the work is completed and the durability periods therefore commence from the date the CCC is issued. However, for whatever reason the CCC may not be sought until a significant number of years after the completion of the building.

If this is the case, the building elements have already been in service for a significant period, and their durability periods will have been either partly or fully expended. A building owner may therefore be in the position where a building is fully compliant, but Council may refuse to issue the CCC because of concerns about compliance with Clause B2 Durability.

The Ministry of Business Innovation and Employment (MBIE) has considered this issue in many Determinations issued since late 2005. The Ministry has taken the pragmatic position in such Determinations, to modify the requirements of Clause B2.3.1 so that the durability periods commence when compliance with Clause B2 would have been achieved if the CCC had been issued at the time the building work was substantially completed. The modification means the building must comply with all the durability periods stated in Clause B2.3.1, but that these periods start from an earlier date, rather than the date that the CCC is issued.

In practical terms, this means that if an owner wishes to apply for a CCC on an older building, they must apply for an amendment to the building consent modifying Clause B2.3.1 and agree a date with Council as to when durability commenced. This application form serves as an amendment for the purposes of applying for a modification in respect to Clause B2.

Once the date is agreed between Council and the owner, the code compliance certificate will be issued with the following statement:

This building consent has been issued subject to a modification of Clause B2.3 of the New Zealand Building Code. The modification has the effect that the required durability periods for building elements put in place during the course of the work carried out under this building consent, are to be measured from the date of substantial completion of the building work being the agreed date. The agreed date is (agreed date inserted here), not the date of issue of the code compliance certificate.

Obtaining a Code Compliance Certificate for Older Projects ~ Frequently Asked Questions ~

Which consents fall into the category of 'Older Projects'?

- Any building consent granted more than 4 years ago will require a review to determine whether a Code Compliance Certificate can be granted.

What is a Code Compliance Certificate?

- Once a project is completed and the inspections carried out, an application may be made for a Code Compliance Certificate. A Code Compliance Certificate confirms that the built project complies with the issued Building Consent.
- A Code Compliance Certificate cannot be obtained for Building Permits.

Why should I obtain a Code Compliance Certificate?

- A Code Compliance Certificate is the logical conclusion to a building project as it establishes that the building complies with the NZ Building Code. The document is of particular value when marketing a property or in some cases, to assure full insurance cover.

Can someone else obtain one for me?

- The owner may authorise someone to act for them in the capacity of an agent. This should be specified on the application form.

I am overseas – can everything be emailed to me?

- Upon request, a copy of any correspondence can be emailed to the owner.
- If an owner is based overseas, then an agent needs to be appointed with a New Zealand address for service. That agent will become the debtor and will be responsible for payments associated with the application process.

Is an inspection needed?

- A review of all records for the project will be carried out first and this will determine if an inspection is required or not. If an inspection is carried out and it fails then a re-inspection(s) will be necessary and charged accordingly.

I had an inspection some years ago, why do I need another?

- The inspection is necessary to establish that the building remains compliant and that the components continue to perform as designed.

Is the inspection limited to this project?

- Each Code Compliance Certificate being sought needs its own application form, and will require its own inspection to be booked – there is no cost saving if inspections for two or more Code Compliance Certificates are carried out at the same time.
- If an inspector becomes aware of other outstanding work or matters causing concern, then these will be followed up, which in some cases may result in additional costs to the owner.

Are there application costs and who pays?

- Yes – actual processing costs will be charged, also any inspection(s) carried out as part of this review.

What is the B2 Durability Modification Form?

- The date of issue of the Code Compliance Certificate normally sets the start date for the expected durability of the building components. As the building is already into its life, a special application is required to back-date the start date, to when the building was substantially completed. A B2 Modification form is required to be completed as part of this process.

What is involved in the process review?

- A desktop assessment of the building consent will be carried out by a technical officer and checked against all the information council has on record to determine whether the CCC can be issued or not at this stage. An inspection may be required before a decision can be made.
- The review may require further information or an inspection before a final decision can be made.
- If an inspection is required, you will be contacted to book a suitable date and time.
- You will receive an invoice for processing costs and inspections if applicable upon completion of the review.

What is the time frame?

- Each application is unique and it is not possible to predict how long a particular one will take to conclude however we will endeavour to process each in a timely manner.

My application is urgent.

- Requests for a result in a short time frame might be an unrealistic expectation.
- For most applicants, there is a degree of urgency and we do everything that we can to process each in a timely manner.
- Should special circumstances exist then please ensure that you advise us of the situation.

How can I speed up the process?

- Ensure application forms are completed in full, are legible and signed.
- The section listing trade people must be completed. If the details are no longer known, then state this and avoid leaving the section blank.
- Ensure there are no outstanding Development Fund Contributions.
- Check that the finished building work does match the approved plans and specifications.
- Check that bedrooms are protected by complying smoke alarms.
- Be prepared to supply an electrical certificate if applicable.
- Ensure that outstanding matters are promptly followed up to prevent the application process stalling and possibly being refused.

My application has been refused.

- If an application is refused, you can still reapply for CCC at a later date. To do this:
 - a new application form will need to be submitted
 - fees will be charged at the end of the process
 - reasons for the original refusal will need to have been addressed.

I need more information

- Please feel free to contact us for further information on 0800 920029 or 09 4015200 and quote your building consent number, or alternatively you can email us building.group@fndc.govt.nz.