

1. Purpose

The purpose of this practice note is to describe the process involved when applying for a code compliance certificate (CCC) for a historic building consent.

This practice note excludes work on building permits i.e. those issued prior to the inception of the Building Act 1991; final inspections on this work are not undertaken. There is no requirement under the Bylaw regime or Building Act to carry out a final inspection on work commenced under a building permit.

2. Definition of an historic building consent application

A historic building consent is one which

- was processed under the Building Act 1991(BA91) or the Building Act 2004 (BA04); and
- has not yet had a CCC issued; and
- is more than five years old (since date of issue)

Any application which is in excess of five (5) years in age is deemed historic; where an amendment, final inspection or application for Code Compliance Certificate (CCC) is requested on a **building consent**, which is in excess of five years in age, it must be reviewed to assess potential implications for Durability.

3. B2 Durability

Clause B2 Durability is one of the most important technical clauses referred to in the Building Code; it relates to the durability of building elements. It aims to ensure that a building, throughout its life continues to satisfy all objectives of the Building Code with normal maintenance.

Normal maintenance *means* work that is necessary to achieve the expected durability for a given building element. The extent and nature of that maintenance will depend on the material, or system, its geographical location and position within the building. It can also involve the replacement of components subject to accelerated wear.

The length of time that varying components of a building are expected to remain “fit for purpose”, depends on the ease with which they can be replaced and / or maintained. Once building work is complete, the durability period begins. The durability of various building elements starts from the day they are installed. If the building elements are properly installed and maintained, they should last for the specified intended life.

4. Application for CCC

All applications for CCC must be accompanied by an application for CCC; this form provides Council with information about the building including when the building work was completed and who the contractors were.

- Historic consents will also need to be accompanied by an application to modify the durability period (see section below)

Applications made under the BA91 are not subject to the 20-working day clock; however, Councils policy is that, regardless of which Act applies, all applications will be processed within 20-working days. Applications for code compliance certificates under the BA91 are assessed against the Building Code of the day, whereas applications under the BA04 are assessed against the consented plans.

5. B2 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 (the Code). Clause B2 of the Code 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. In such cases, when Council is asked to issue the CCC it may no longer be satisfied that the building elements will comply with Clause B2.3.1. This is because 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 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. The application form, AC2122 B2 Modification is available on our website.

- The **date of preline inspection** is the preferred date to establish the commencement for Durability, because it is at this stage that the structure is complete, and the external cladding is in place.

6. Process

Before an inspection can be undertaken, the durability team must perform an E2 risk assessment (unless one already exists) to determine how the application will proceed. The assessment will be completed within 48 hours of the request and the applicant advised of the outcome. If the building is high-risk, the inspection is referred to our Durability Team.

All applications under 10 years old can be inspected by the general inspections team.
All applications 10 years or older **MUST** be assessed for risk by the durability team.

The following factors determine how the E2 risk score is calculated: -

- Number of stories
- Wind zone
- Number of junctions and interfaces (walls and roofs)
- Decks and balconies
- Width of eaves

Once the assessment is complete, the inspection will proceed in the normal manner.

Note: when carrying out durability inspections it is important to ensure that the inspection is being carried out for the legal owner and not prospective purchasers.