

CCC Applications for Historical Building Consents



Purpose

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

Definition

QLDCs definition of a historic building consent/CCC is one where:

- the building consent was issued under the Building Act 1991 or the Building Act 2004; and
- the consent has not yet had a CCC issued; and
- it has been more than five years since substantial completion or last QLDC inspection.

What is different about CCCs for Historic Building Consents?

Before QLDC can issue a CCC, it must be determined 'on reasonable grounds' that the work complies with both the New Zealand Building Code and the plans and specifications that were associated with the original building consent.

The Building Code has specific time periods set out for durability of various elements of construction. The longer building work is left before applying for a CCC, the harder it is to determine whether these minimum time periods will be complied with. In cases where the building work is already 5 or more years old elements of the work may have already exceeded their expected durability or manufacturer's warranty.

For most CCC applications of Historical Building Consent the homeowner will be asked to complete an application to alter the durability period (AF WM Application for Waiver or Modification). This is a declaration that the owner and QLDC acknowledge that the durability timeframe for the building elements has been reduced due to the delays with the CCC application.

All CCC applications for historical building consents need to be evaluated carefully to assess the level of investigation that will be required. While the objective is to arrive at a successful outcome for the applicant, there may be situations where QLDC cannot be satisfied that the building work complies and therefore the CCC cannot be issued.

The Process

1. To start the process you must complete a "CCC Application (Form 6)" which is available on our website: [All Documents - QLDC](#).
2. Submit your completed "CCC Application (Form 6)" along with scanned copies of all your required documentation as listed on your issued building consent (Form 5) e.g. Producer Statements, Certificates etc. through the QLDC [Community Portal](#). You can access your issued building consent and all related documentation through [eDocs](#).
3. If the building work was substantially completed more than five years ago, you will need to submit an application to modify the durability period. Complete and submit Page 1 of the "Application for Notification of Waiver or Modification" along with your application. The form can be accessed on our website: [All Documents - QLDC](#).

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4. QLDC will process all CCCs within 20 working days and either issue or refuse to issue CCC. The processing of the application involves a review of the quality of submitted documentation to confirm whether QLDC can be satisfied on reasonable grounds that the building work complies with the building consent.
5. The processing officer will assess the history of the build work and the probable scope of inspection requirements. Factors considered in this review include:
 - the age of the building work
 - the complexity of the design and the materials used
 - the results of inspections already carried out
 - any outstanding matters, including fees
6. Your processing officer will advise you of any required inspections and provide details on the specific type needed.

If a QLDC final inspection is requested, you can book this over the phone (03 450 0369) or through our website [Book an inspection - QLDC](#). A Building Control officer will complete the inspection to assess whether the building work complied at the time of completion as well evaluating the likelihood that it will continue to comply for the for the required durability time period.

Alternatively, we may ask you to obtain a building inspection report from an independent “suitably qualified” building consultant in lieu of a QLDC inspection to verify the compliance of the historical building work. These are usually required for buildings that meet the following 3 criteria:

- Habitable building and
 - 2 or more levels and
 - over 150m² floor area
7. In cases where serious non-compliance is identified during any Inspection, QLDC can issue a Notice to Fix that requires you to remediate the identified items.

Frequently Asked Questions

1. Why is there a need to involve independent “suitably qualified” building consultants?

Historical building consents often involve work that was completed long ago with little evidence as to whether it was completed correctly. If adequate records are not available to verify the quality of construction then an invasive level of inspection may be required. This could for example involve the removal of wall panels or external wall cladding. QLDC cannot undertake this level of inspection therefore the homeowner will be required to procure the services of an independent suitably qualified consultant to perform the inspection and document the results.

QLDC does not endorse or recommend any specific building consultants. However the qualifications of any selected consultant will be assessed when they submit their technical assessment report. As an owner you should investigate before acquiring the services of a consultant to ensure they are suitably qualified. Key considerations should include:

- They must have significant knowledge of the Building Act and NZ Building Code
- They must be experienced in key areas of building design, construction or inspection specifically around weathertightness and structure

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- They must also be able to undertake invasive testing
- They should have a suitable qualification, professional registration or industry association e.g:
 - RICS (Royal Institute of Chartered Surveyors)
 - NZIBS (New Zealand Institute of Building Surveyors)
 - CPENG (Chartered Professional Engineer)
 - BOINZ (Building Official Institute of NZ)

2. What is an Application for Modification of Durability?

It is a formal agreement that is signed by the owner to acknowledge that the durability requirements for specific building elements will be measured from an agreed date as opposed to from the date the CCC is issued. Typically, this will be the date of substantial completion e.g. final inspection, house first occupied.

3. Can I withdraw my CCC Application if the process gets too complicated or costly?

The owner can choose not to pursue a CCC at any time. If so, the Council will not take further action unless it becomes aware that the building work is potentially dangerous or insanitary as defined in the Building Act. Fees must be paid for work already carried out.

4. What if I don't agree with a refusal to issue CCC?

If you do not agree with our decision not to issue a CCC then you can apply for a 'determination' from the Ministry of Building, Innovation and Employment (MBIE). A determination considers information provided by the owner and the Council. It will need to cover how the building work complies with the Building Code clauses that apply to the particular project. In most cases, MBIE will engage its own expert to provide an independent assessment of the work. The result of the determination is binding on all parties and will become part of the record for the property. More information about applying for determination, and fees, can be found on the MBIE website: [Applying for a determination | Building Performance](#)

5. What if my building work was completed under a different version of the Building Act?

For building consents that were issued under the Building Act 1991 (prior to 31 March 2005), the test which must be applied when considering whether to issue a CCC is whether the building work concerned complies with the building code that applied at the time the building consent was granted. This means if the building code has subsequently been amended since the building consent was granted it is not mandatory to have upgraded to that new requirement in order to obtain a CCC.

For building consents issued under the Building Act 2004 (after 31 March 2005) the substantial test is that building work complies with the consent documentation. This test therefore also means it applies to the code at the time the work was consented.

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Case Study- Example 1

Sarah bought a two-bedroom house from a property developer in 1999 and later decided to put the house on the market. A prospective purchaser got a Land Information Memorandum for the property, which showed the house did not have a CCC.

Sarah submitted a CCC application however she was advised the CCC would be refused as there was insufficient information to support the approval of the CCC. She was advised that an independent building inspection report would be required due to the level of invasive inspection required. Sarah engaged a member of the NZ Institute of Building Surveyors to inspect the house and provide a report about its compliance with the Building Code. The report highlighted some areas of non-compliance and provided a list of remedial work that needed to achieve compliance with the original building consent. Sarah engaged the services of a Licensed Building Practitioner to complete this remedial work.

Sarah resubmitted her CCC application along with the Inspection report and the Producer Statements and Electrical Certification she had on file. Council officers reviewed the information and decided to accept the CCC application. She booked a final inspection and the Council inspectors were able to verify that the report was an accurate representation of the property. Because of the age of the work, the Council asked Sarah to submit an application form to modify the durability period (AF MW).

In her AF WM application, Sarah confirmed the house was complete when she purchased it and proposed the durability requirement should start in 1999. The Council was able to check the inspection records for the property and agreed with this date and granted the amendment. The Council then issued a CCC for the work which included the modification for durability.

Case Study- Example 2

Charlie was remortgaging his house and became aware that two building consents he had got in 1998 and 2001 did not have CCCs.

Charlie submitted CCC applications to the council for both consents along with the information that he could find. The Council carried out a review of both applications and made to refuse the applications due to insufficient information. This was because a number of inspections had been missed during construction and the amount of time that had passed since the work was done. Charlie was advised that an independent building inspection report would be required for the building work due to the level of invasive inspection required.

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Charlie disagreed with the council decision and chose to apply to the MBIE for a determination for both consents. MBIE appointed an expert to report on the work that had been carried out under both building consents. The expert's report showed the cladding was failing and that there had been moisture getting into some areas of the building work. MBIE then issued a determination that outlined the areas that failed to comply with the Building Code and directed the Council to issue a 'notice to fix' requiring Charlie to propose how the non-compliant areas would be remedied.



The Council met Charlie to discuss the determination and to agree on a timeframe to do the remedial work. Charlie engaged a member of the Institute of Building Surveyors to prepare a 'scope of works' that would need to be carried out to fix the areas of failure. Charlie met Council officers to discuss the remedial work and to agree what work would be covered by the original building consents, and what work would require a new building consent.

Charlie submitted the new building consent along with supporting documentation, including the surveyor's scope for the remedial work. The work requiring a building consent was assessed for compliance with the Building Code and the building consent was granted. Charlie employed a builder to do the work and this was inspected by Council officers. Further areas of damaged timber were identified during the building work and the surveyor instructed the builder what needed to be replaced. This additional work had to be covered by an amendment to the new building consent, as this was not originally identified.

Because of the age of some of the work covered by the original building consents, Charlie submitted the 'AF WM Application for Notification of Waiver or Modification' to modify the durability requirement for the work. He proposed a start date for durability and, after checking the inspection records for the property, the Council agreed with the date proposed and granted the amendment. Once Charlie's builder had completed the work and Council officers had carried out the inspections, the Council issued CCCs for the new and old work with the durability modification recorded for the original consent.