



Department of
Building and Housing
Te Tari Kaupapa Whare



Ministry for the
Environment
Manatū Mō Te Taiao

A beginner's guide to resource and building consent processes

under the Resource Management Act 1991
and the Building Act 2004



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Introduction

Two Acts to follow

Every building project must comply with the Resource Management Act 1991 (RMA) and the Building Act 2004 (the Building Act). These laws define the situations in which you need a resource consent and/or a building consent; and what you need to do to get them.

The process for getting your consents will be easier if you know how the RMA and the Building Act affect your project, and what you need to do to have your consents approved.

This guide will take you through key questions to consider, the steps to follow in applying for your consents, and who you need to see at each step. The flow chart on pages 6 and 7 sets out 14 steps, some of which may not apply depending on the nature of your project. This guide also refers you to more detailed guidance and other sources of advice.

Tom and Mary are expecting twins. Mary's parents have offered to come and live with them, to help with child care. Tom and Mary want to modify their small cottage to meet their changing circumstances. They know they will need to keep to the rules about planning and building. To find out if their idea is feasible, they need more information and advice.



The Resource Management Act 1991

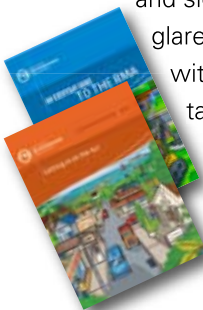
The RMA protects land and the environment. Just because you own a piece of land doesn't mean you can do what you want on it or with it. The RMA recognises that our neighbours and others in our communities can be affected by our ideas for using land and other resources – just as we can be affected by the plans of others. By protecting the environment, the RMA also ensures we consider the interests of the community and future generations of Kiwis.

Under the RMA, regional councils prepare regional plans that focus on the management of our air, water, land and soil. City or district councils prepare district plans that focus on managing aspects of subdivision and land use that can affect the environment, such as the height, appearance and location of buildings and signs, and the noise, glare and odour associated with the activities that take place in and around

buildings. Every district or regional plan is different and reflects the desires and aspirations of the local community.

What is a resource consent?

The plans councils prepare set out which activities will require a resource consent. A resource consent is a formal approval for such things as the use or subdivision of land, the taking of water, the discharge of contaminants in water, soil or air, or the use or occupation of coastal space. It's not just new buildings that may require resource consent. A new use of an existing building may also require a resource consent. Just as council plans vary, the need for resource consents varies from one area to another. If the activity you want to carry out isn't clearly identified as either a permitted or prohibited activity in the plan, then you must obtain a resource consent. If you need certainty, councils can issue certificates of compliance for permitted activities confirming that the activity is lawfully established.



The Ministry for the Environment has a series of 14 booklets called [An Everyday Guide to the RMA](#). [Getting in on the Act](#) explains the purpose of the Act, and provides some examples of how it works. You can find copies at your local council, or on the Ministry for the Environment's website.

The local district plan determines whether Tom and Mary will need a resource consent for what they propose to do. While they gather information for the resource consent application, Tom and Mary will also think about what they have to do to obtain their building consent (see page 4).



The Building Act 2004

The Building Act covers the construction, alteration, demolition and maintenance of new and existing buildings throughout New Zealand. It sets standards and procedures for people involved in building work (including licensing of building practitioners) to ensure buildings are safe, healthy, and built right first time. It covers how work can be done, who can do it, and when it needs to be consented and inspected. The Building Act as it relates to buildings is implemented by local district and city councils.

Under the Building Act, the Building Code defines the minimum standards buildings must meet (to the extent required by the Building Act). In contrast to the plans prepared under the RMA, the Building Code provides a common set of minimum rules for the whole of New Zealand.

You can get more information about the Building Act 2004 at www.dbh.govt.nz/blc-building-act

What is a building consent?

A building consent is a formal approval granted by your local council under the Building Act that allows a person to carry out building work. Building work includes work in connection with the construction, alteration, demolition or removal of a building. A council will issue a building consent only when it is satisfied the proposed building work will meet the requirements of the Building Code.

You cannot carry out any building work unless you have a building consent. There are a few minor exceptions to this set out in Schedule 1 of the Building Act. For example, decks under 1m in height; and retaining walls less than 1.5m high that do not support any surcharge or any additional load such as vehicles on a road.

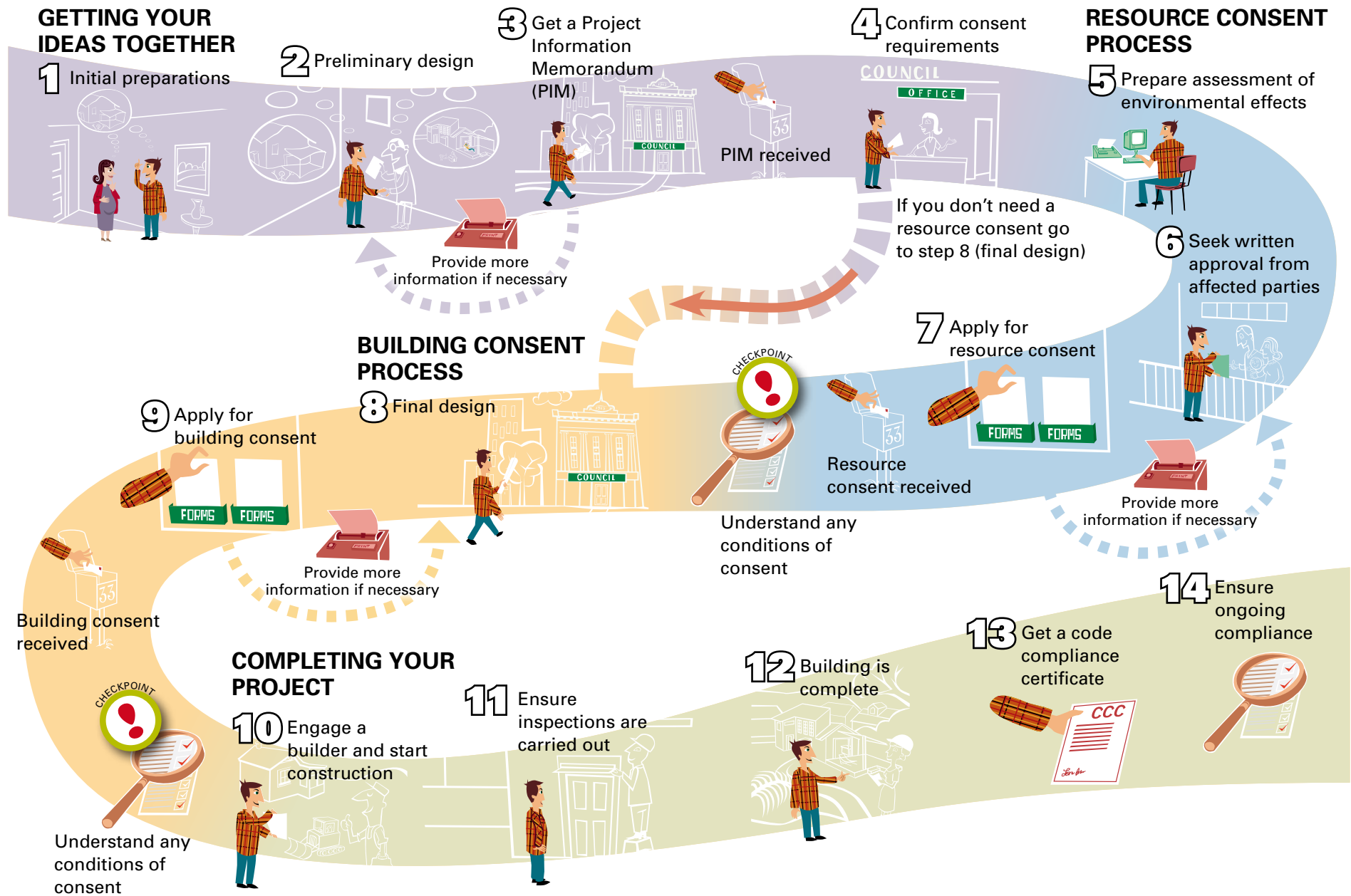
All building work must meet the minimum requirements of the Building Code even if no building consent is required.



Note: Make sure you read more about the resource and building consent processes before you start detailed planning. Spend time on shaping your ideas, gathering information, and talking to the right people early to save time and money for years to come.

Tom knows that he and Mary need a building consent before any building work can be done. If he attends to all of the issues addressed by the Building Act, his reconfigured home will be safe, healthy, and suitable for his family to live in. If he does some planning, gathers information, and talks to the right people now, Tom will probably save time and money.





Getting your ideas together



Note: At every stage of the resource and building consent process, you should ask the following key questions:

- Am I allowed to do this?
- Do I need a resource and/or a building consent?
- Who do I need to talk to?
- What are my obligations?
- How long will it take?
- How much will it cost?
- What can I do if it goes wrong?

Step 1: Initial preparations

When first thinking about your building project there are some key things you need to do. Firstly, you need to be clear about what you want to build and how much it might cost. It may be helpful to write your ideas down, draw some preliminary sketches, and take photos to help you explain to others what you want to do.

You should read information about the resource and building consent processes that you can find in the guides referred to throughout this document. This will help you understand who you need to see, other information you will need to collect, and where you can obtain further advice.

Your local district or city council is your primary point of contact, and there are a number of people you will need to deal with there.

- **Customer service staff:** They may handle your initial queries and provide you with guidance and information. They may be supported by qualified resource consent and building control staff, or they may refer detailed queries to such experts.
- **Resource consent staff:** Often called 'planning officers' or 'consents officers', they will deal with your specific queries about the RMA, local plans, and resource consent requirements. They are likely to process your application for resource consent, should you need one.

- **Building control staff:** Also called 'building officials', they will deal with your specific queries about the Building Act, the Building Code, and building consent requirements. They are likely to process your application for a building consent.
- **Experts:** If your project is complex, you will probably need expert help. You might need to employ a planner, designer, architect, engineer, surveyor, or other specialists to help prepare your applications for resource and building consents. Local councils may direct you to contact lists for such experts.

Tom and Mary have always known they would need a building consent. When Tom met with council staff about his original idea, they told him of the sort of detail he would have to provide with his application. From this, it was obvious to Tom and Mary that they would need to engage a professional designer. They will be working closely with Moana so she can translate their ideas into working plans.



Note: Every council has its own structure and processes. Ask your contact at the council whether you need to talk to anyone else, and ask for specific information about the processes you should follow. Information may also be available on your council's website.

Step 2: Preliminary design

This information is needed to help you:

- discuss with the council, your neighbours and other affected people what you propose to do
- refine your ideas in light of those discussions
- confirm the costs and overall feasibility of the project
- progress smoothly through later steps in the process.

Step 3: Get a Project Information Memorandum (PIM)

A PIM is a report issued by councils under the Building Act to help you decide whether your planning and building project is possible and practical. Ideally, you should apply for a PIM at an early stage: before applying for a resource consent; or (when you don't need a resource consent) before applying for a building consent.

A PIM will tell you what the council knows about the proposed site and requirements of the RMA (including whether you may need a resource consent) and other Acts that might affect your proposal and require separate approvals. For example:

- the location of underground pipes, natural hazards, soil types and other ground conditions
- the relevant provisions of the council's district plan, council bylaws, the Fire Service Act 1975, the Local Government Act 2002 and the Historic Places Act 1993.



Note: Make sure the person who draws up your preliminary plans understands the requirements of the RMA and the Building Code and how to represent them. This would include a site plan showing the boundaries of your property and surrounding properties, how much of the site the building will cover, any existing and proposed buildings, and elevations (basic drawings showing what the building will look like from all sides).

Your council will provide you with a PIM application form. The form must be submitted to the council with the required fee (each council sets its own fees which are usually published on their website) and include, or be accompanied by information such as:

- the intended use of the building
- the location, description and external dimensions of the proposed building
- any change of use, subdivision details, and previous building consents issued for the project
- proposed vehicle access, stormwater and wastewater disposal, and connections to public utilities
- precautions to protect any existing drains, sewers, wells or water mains
- matters potentially relevant under the RMA (such as modified site contours and sunlight access planes).

When Tom spoke initially to the council's resource consent planner, he was advised to apply for his PIM sooner rather than later. This was good advice as it confirmed that Tom and Mary needed a resource consent as well as a building consent for their project. It also indicated the location of existing services, which influenced where they would place the new extension. As Moana is familiar with the resource consent process, the couple have asked her to prepare their application, but they will take responsibility for discussing their project with neighbours themselves.



Allow plenty of time (at least several weeks) for you and any experts you employ to collect and present the information needed for the PIM application. The council can request further information after you submit the application.

The council must issue the PIM within 20 working days after receiving the application, or within 10 working days after any further information has been received.

Step 4: Confirm consent requirements

At this point, you will know whether you need both a resource consent and building consent for your project. It is important that you have these specific requirements confirmed in writing from your council, either in a PIM, or in a letter.

If it is clear that you do not need a resource consent, then you can proceed directly to Step 8.



Note: The PIM may include a notice stating that you cannot start work before your resource consent is approved. This is likely if the council thinks the resource consent will impose conditions that will affect your building plans.

Note: If you do not obtain written confirmation of what is required from you, there is a risk that you will focus on gathering the wrong information, or insufficient information, and that you may be then faced with unnecessary delay or expense.

Resource consent process

Step 5: Prepare assessment of environmental effects

All applications for resource consent must be accompanied by an assessment of environmental effects (AEE). Your council's website, the district plan, and council staff will tell you what information you need to include.

If your project could have significant effects on the environment, you might need specialist advice to prepare the AEE. Generally, the bigger the project, the more extensive the AEE requirements will be, and the more you will benefit from professional advice.



For more information on how to prepare an AEE see the Ministry for the Environment's [Guide to Preparing a Basic Assessment of Environmental Effects](#).

Step 6: Seek written approval from affected parties

Affected parties are any person or organisation that might be affected by your project. Commonly affected parties will include your immediate neighbours, but they may include people who are further away. The council will be able to advise in your case who it considers will be an affected party. The council may then ask you to seek the written approval of those parties. You are not obliged to seek their approval, but it is likely to make the processing of your application more straightforward. To enable those parties to work out whether they can support your project or not, you will need to be open and honest, provide as much information about your project as possible, listen to any concerns, and discuss how you might address them. You will need to document who you consulted with and what they said in your AEE.

Note: In some cases, the council will decide to notify your application for resource consent, either generally, or to a specific group of people it considers are potentially affected. This might happen when affected parties don't give approval or if the council decides the effects of the activity are more than minor. Public notification allows people to make submissions, and hearings into the application are often then held. Generally, the likelihood of notification depends on the scale and significance of your project.

The council considers that Tom and Mary's extension has only minor effects and that their neighbours are the only people that are potentially affected. If the couple can get the written approval of their neighbours, their application will not need to be notified.

The council planner identifies the couple's neighbours as potentially affected parties as the roof eaves of the extension contravene the district plan by blocking their sunlight. Tom and Mary want to preserve their good relationship with their neighbours, so they'll tell them about their plans as soon as possible.

It turns out that their neighbours aren't too concerned that the eaves block their sunlight, as it only affects the end of their

garden, well away from their patio. On the other hand, they're concerned that the windows in the extension will have a view straight into their lounge. They feel that although they are mates and happy to see each other, future owners mightn't feel the same. The potential saleability of their house might be affected. This is an easy fix for Tom at this early stage. He alters the position of the windows on his plans.



The Ministry for the Environment's guides [Consultation for Resource Consent Applicants](#) and [Your Rights as an 'Affected Person'](#) provide guidance on talking to potentially affected parties, and an insight into how you can see your project from their perspective.

Step 7: Apply for resource consent

Once you have completed your AEE and obtained any written approvals you are in a good position to apply for resource consent. Collect the application form from your council or their website.

Take your application to your council and pay your application fee. A resource consents officer will write a report and make recommendations on your application. They will decide whether to:

- reject the application as incomplete
- ask for more information
- approve the application without publicly notifying it

- notify the application only to potentially affected parties and invite them to make a submission (the officer will contact people or organisations that might be affected)
- publicly notify the application and call for submissions from any party
- hold a hearing at which you and submitters can put your views.

The council can reject the application and return it within 5 working days if it is incomplete. It should decide whether to notify the application within 10 working days of receiving it. If you've provided all the information, and the application doesn't need to be notified, the council should make a decision within 20 working days. If the application needs to be notified, the council should be able to make a decision within 4 months.



The Ministry for the Environment's guide [Applying for a Resource Consent](#) confirms the essential elements of the process. For information on the hearing process, in the event that your application is notified, refer to the Ministry for the Environment guides [Making a Submission on a Resource Consent](#) and [Appearing at a Resource Consent Hearing](#).

The council will inform you whether your application has been approved or declined and provide you with a copy of its decision. If your application is approved, you should:

- understand any conditions attached to your resource consent
- note whether you (or the council) are obliged to monitor compliance with those conditions
- note whether the activity for which your resource consent has been granted has an expiry date
- check the timeframe for starting the activity. In many cases, the resource consent will lapse if work isn't started within 5 years from the date the consent was granted.

If your application is declined, or if it is granted subject to conditions that you are unhappy with, you have a couple of options.

You can make a formal objection to the council. You will be able to attend a hearing on your objection.

You can also lodge a formal appeal with the Environment Court if you are unhappy with the council's decision on your application and/or on your objection. The Environment Court makes an independent decision and has the same power as a District Court.

You need to make your objection or appeal in writing and within 15 working days of receiving the council's decision. The Environment Court process is quite long, and it can take at least 6 months for a decision to be reached. The courts are based in Auckland, Wellington, and Christchurch, but also travel to other centres.



Note: Costs vary between councils, so check with the council responsible for the area in which you are going to build. However, you can expect to pay several hundreds of dollars for a non-notified consent, and possibly several thousands for a notified consent. You'll probably pay a lodgement fee when you submit your application, and the rest when you receive the decision on your application. These figures do not include the costs of getting an expert to prepare your application or appear on your behalf at any hearing.

If Tom and Mary hadn't altered their preliminary designs, and the neighbours had not provided their written approval, the council would have notified the application. The neighbours might then have made a submission opposing the application and asked to be heard at a hearing. Tom and Mary would have been given the opportunity to be heard as well. The council would then have made a decision whether to grant the application or not, or to impose certain conditions, based in part on what was heard at the hearing.



Note: Bear in mind that if submitters are unhappy with the council's decision (on a notified application) they also have a right of appeal. If your application was publicly notified, you must allow time for people to lodge an appeal. In such cases, you can't start work until the appeal period ends without any appeals being lodged (15 working days) or after any appeals that are lodged are either determined or withdrawn. The appeal process can be very costly. The court submission costs are a small part of the total expenses. Consult a professional for advice if you want to make an appeal or if any appeal is lodged against the council's decision on your application by another party. They can tell you how much it will cost, how long it will take, and your chance of success.

Building consent process

Step 8: Final design

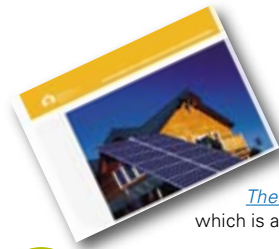
Engage a suitably qualified designer to produce detailed plans and specifications for what you intend to build. These plans will support your application for building consent and, ultimately, guide your builder. If needed, engage any additional experts to work with your designer (eg, engineers).

Step 9: Apply for building consent

You, (with assistance from a representative such as your builder or designer), then apply for a building consent by filling in and lodging with the council an application form, other necessary information, and the relevant fee. Application forms list each section of the Building Code and ask you to show how your project meets the relevant requirements. The council will also

ask you for plans, specifications, and the PIM. Generally the amount of information required will depend on the complexity of your building project.

Moana prepares the plans and information to support Tom and Mary's application for building consent. The application includes a recent certificate of title and detailed plans showing the site and the foundations, drainage, bracing and other construction details associated with the proposed extension.



For more detailed information on applying for a building consent refer to [The Guide to Applying for a Building Consent \(Simple Residential Buildings\)](#) which is available on the Department of Building and Housing's website.



Note: Ensure the final design meets any relevant conditions attached to your resource consent.

The Building Act specifies that building consent applications must be processed within 20 working days. The process goes on hold if the council has to ask for any more information, and it doesn't start again until the council receives the information it needs. If you get all your documents together before you lodge your application, the process should go quickly and smoothly.

An incomplete application will take council staff longer to process, and they might charge you accordingly. The fees may be based on the value of the proposed building work and/or the time it takes to complete the assessment.

A council can grant or decline a building consent application. Generally, however, a consent must be granted by a council if it is satisfied that the provisions of the Building Code will be met.

If your application is approved, you should carefully read and be sure that you understand the conditions of your building consent. The consent directs you to build what is shown in your plans, and during inspections, building officials will judge the work against those plans.

Tom and Mary's application for building consent is approved. Together with their resource consent, they now have the permissions they need to begin their project.



Note: Some councils have fixed fees, while others charge variable fees for PIM and building consent processing and for each inspection. There may be government levies and possibly council development levies to pay. Check with the council and make sure you know about all the fees and levies you will have to pay. You will also need to pay a designer or other experts for their time should you use one to assist you.

If your application is declined, the council will tell you the reasons why. You may need to seek help from your expert advisors or council staff.

If you believe the council is wrong you can ask the Department of Building and Housing for a determination. Determinations are legally binding decisions on disputes or questions about the rules that apply to buildings. Go to the Department of Building and Housing's website at www.dbh.govt.nz/determinations to find out more about determinations. Check the 'previous determinations' on the website – some of them might be about situations like yours.

A determination can be appealed to the District Court.



Note: The council can add a condition to your building consent limiting or preventing you from starting before any necessary resource consents are obtained or approved. This might happen in a situation where you applied for a building consent without realising that you needed a resource consent. In such a situation the council will consider whether that resource consent (if obtained) is likely to impose conditions that will affect your building plans.

Completing your project

Step 10: Engage a builder and start construction

Now that you have your resource and building consents, you can get to work! The next important step is to engage the contractor(s) who will carry out the work.

Here are some other important points to note as you work on your building:

- Your building consent will lapse if you don't start your building work within 12 months unless you have made arrangements with the council for a longer period to apply. If the building consent

lapses, and you still want to do the work, you will have to apply for a new building consent.

- The Building Act anticipates that building work will be completed and a code compliance certificate applied for within 2 years of the building consent being granted. An extension to this 2-year period can be agreed with the council.
- The council can issue a notice to fix if you don't comply with the Building Act; for example, if you don't follow your building consent, or you don't comply with the inspection process. A notice to fix requires you to put right any breaches of the Building Act. You could be fined if you, or your builder, fail to comply with a notice to fix.



For more detailed information on licensed building practitioners refer to the publication [Occupational Licensing in the Building Sector](#) which is available on the Department of Building and Housing's website.



Note: A building consent is granted on the basis of specific drawings and specifications. This determines what you must build. You can't change any details, key materials, or products unless they are agreed in an amendment to the building consent. Depending on the significance of the change, the process for amending a building consent may be the same as for the initial application. If you want to change your plans before or during construction, you must tell the council. The council will tell you what is required to amend the building consent.

Step 11: Ensure inspections are carried out

Inspections are required to ensure that building is being undertaken in accordance with the building consent and to ensure that the council will have enough information to issue a code compliance certificate (see Step 13).

All the building inspections listed in your consent must be completed. These will be scheduled at key points to show that work complies with the consent – such as a pre-lining inspection before the wall is closed up. If work isn't ready when the building official arrives, you may have to pay for more inspections.

Tom and Mary have a limited budget, but Moana has been careful to ensure the quality of her design and the materials used are not compromised by cost-cutting. Because she has taken many projects from design to completion, she can give Tom and Mary a list of good builders and subcontractors who are licensed practitioners under the Building Act. She is a strong advocate of a team approach across all trades, and so she has noted contractors who work well together. Tom and Mary like her approach and they negotiate with her preferred team.

The couple have also employed Moana to supervise the work because they don't have the necessary skills, experience, or

time. Discussions with the local building official have convinced them that this was a good idea. Because Moana is a designer, contract administrator, and project manager, she can make quick decisions and clarify design issues on site. This will avoid any unnecessary delays.



Note: In addition to building inspections you should also check to see if your resource consent requires other inspections to be made.

Step 12: Building is complete

The building work is complete when all the work is finished in accordance with the building consent.

Even though Moana arranged all the required inspections, Tom and Mary were actively involved. They made sure they were present during all the inspections to be sure they knew about any concerns raised by the building official and could participate in decision-making about how best to address such concerns. Moana had insisted on this as she knows that the Building Act places ultimate responsibility on Tom and Mary as the building owners.



Step 13: Get a code compliance certificate

When you finish your project, you must arrange for a final inspection and then apply to the council for a code compliance certificate (CCC). The council has 20 working days from the date of your application to decide whether to issue a CCC. If the council requests further information, the process goes on hold until the information is received. A CCC is issued when the council is satisfied the completed building work complies with the building consent. It provides an assurance to both you and future owners that the building work was done to the appropriate standards.

If you don't submit an application for a CCC within 2 years of being granted your building consent, and you haven't agreed an extension with the council, the council will follow up with you and may decide then whether to grant a CCC.

Step 14: Ensure ongoing compliance

Because any resource consent you have is likely to relate not just to the activity of construction, but the on-going use of the land or buildings, there are likely to be conditions on your resource consent that require on-going compliance on your part, as well as potential monitoring obligations. Typically, these conditions might relate to such things as a requirement to seal the driveway or paint a building in certain colours. In the event that you sell your property, the resource consent (in the case of a land use or subdivision consent) along with the obligation to comply with any conditions transfers automatically to the new owner.

Thanks to Moana's resolve, the skill of the building team, and Tom and Mary's wise decisions, the construction went well, finishing on time and under budget. Mary delivered healthy twins, also on time.



Further guidance and advice

For advice about your specific project...

Contact your local council.

For more general information about RMA issues...

The Ministry for the Environment has a free phone and email service on the RMA. Call 0800 RMA INFO (0800 762 4636) or email rmainfo@mfe.govt.nz or visit www.rma.govt.nz for more guidance.

Other organisations have a range of RMA-related guidance:

www.rmalink.org.nz/index.php

www.eds.org.nz/rma/index.cfm

www.forestandbird.org.nz/rm/BreakingDownBarriers_2005.pdf

For more general information about building controls and Building Act issues...

The Department of Building and Housing has a free phone and email service on building controls and the Building Act. Call 0800 242 243 or email info@dbh.govt.nz

For other sources of general information...

Apart from the guides produced by the Ministry for the Environment and the Department of Building and Housing referred to in this document, there are a number of other independent sources of advice.

ConsumerBuild is a venture between Consumer New Zealand and the Department of Building and Housing. It provides independent advice to the layperson. Find helpful overviews and further links on their website www.consumerbuild.org.nz

Websites about building, and designing and building for sustainability include:

www.smarterhomes.org.nz

www.sustainability.govt.nz

www.greenbuild.co.nz

www.branz.co.nz

Your notes

Disclaimer

Although every effort has been made to ensure that this guide is as accurate as possible, the Ministry for the Environment and the Department of Building and Housing will not be held responsible for any action arising out of its use. This includes the diagram on pages 6 and 7 which is a very generalised overview of the resource and building consent processes. The diagram is intended to be indicative only and should not be relied upon. Direct reference should be made to the Resource Management Act and the Building Act and further expert advice sought if necessary.

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