

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 the BCA deems the CCC date should be modified.

The Building	
Building Consent number:	
Site Address:	
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*