

The New Zealand design process involves numerous milestones and requirements that projects must satisfy on their way to construction and completion

These include:

- Council planning approvals
- Urban Design Panel approvals
- Environmental impact assessments
- Resource consent approvals
- Building consent approvals

Your design and consultant team will seek and achieve these approvals and navigate these milestones as they work their way through the design process. A brief outline of the consenting procedure follows and offers a rough guide to the complexity and length of the process here in New Zealand.



Bryndwr, social housing

Urban design, architecture, landscape

Councils

Cities and districts within New Zealand have their own Councils (i.e. Auckland Council) that are responsible for design process approvals within specific areas. Most of these are consenting authorities whose duties include:

- Issuing resource and building consents
- Undertaking inspections during construction
- Issuing Code Compliance Certificates (CCC) certifying that finished works comply with the Building Code
- Issuing compliance schedules

Councils also charge development contribution levies to developers as fees for undertaking a development and, in some cases, require a deposit before consent is submitted and processed.



Oxford Apartments
Architecture



Heritage firehouse, Kingsland
Remediation, architecture

Resource Management Act 1991 (RMA), Building Act 2004, and the Building Code

The first thing to note is that every building project must comply with both the Resource Management Act 1991 (RMA) and the Building Act 2004. This legislation defines the situations in which resource consent and/or building consent must be obtained and the standards which proposed buildings or developments must meet.

Upcoming and recently implemented reform, briefly detailed below, will affect New Zealand's design and consenting processes. This guide will be updated to reflect new legislation once it becomes law.



Matakana Estate

Masterplan, architecture, brand design

**The National Policy Statement on
Urban Development (NPS-UD)
and upcoming RMA reform**

2020's National Policy Statement
on Urban Development (NPS-UD)
and upcoming RMA reform will have
ramifications for New Zealand's design
and consenting processes



Kerepeti, Hobsonville
Masterplan, architecture

NPS-UD

The NPS-UD, which came into effect in August 2020, applies to the nation's urban environments and therefore only pertains to Councils with urban areas in their jurisdiction. It requires relevant Councils (the ones that oversee all or part of rapidly growing centres) to strategically plan for healthy urban growth and the well-being of the people who live in these hubs. It enables (but does not require) greater density and aims to future-proof New Zealand's urban environments, preserve the health and vibrancy of our cities, and ensure the success of coming generations.

**The NPS-UD has taken effect and enables greater density within our urban environments through rules such as the elimination of minimum carparking requirements and the provision for developments up to six storeys in height within city limits and fringe suburbs. The design impact of this new legislation will become clear over the coming years.*



RMA reform

The current Labour government has signified its intent to repeal and replace the RMA with two new laws as recommended by the recently released, independently conducted resource management system review, commonly referred to as the Randerson Report. These two proposed laws are the Natural and Built Environments Act (NBEA) and the Strategic Planning Act (SPA).

The NBEA would build on many of the RMA's well-intentioned principles, with a particular focus on achieving high-quality outcomes within both natural and built environments. It will likely also have ramifications for consent applications, as it proposes more clearly differentiating between complicated projects that need significant environmental impact assessments (i.e. projects that will take longer to achieve consent) and simpler projects that might move more quickly through the system.

The Strategic Planning Act would encourage integration of rules and legislation across the entire system, including the NBEA and all other local and national laws pertaining to building and resource management. Like the NPS-UD, it would necessitate the development of long-term strategies that promote positive growth for all New Zealand communities.

**Context's Guide to the New Zealand Design and Consent-ing Processes will be updated to reflect future repeal and/or reform of the RMA. As it stands, building projects must still comply with the RMA 1991 and its amendments. This is reflected throughout the duration of this guide.*



Taupō Eastern Urban Lands

Masterplan, urban design, architecture, landscape

Resource Management Act

In its current iteration, the RMA governs the use of New Zealand's land and resources. Under the RMA, Councils develop plans that manage aspects of building projects and land use that have the capacity to affect New Zealand's environment. This legislation governs the height, appearance, and location of buildings and signs, as well as the noise and light effects they may impart on surroundings (i.e. heavy shade or glare).

You cannot, for example, build a tall development that will unreasonably infringe on the natural sunlight of neighbouring buildings. There are height, boundary, and density restrictions in place that relate to the RMA. Resource consents, which most projects must achieve, pertain to the RMA.



The Block, Newell Street
Architecture, interior design

Resource consent approval

Resource consent is formal approval for activities related to the RMA, including use or subdivision of land, use of water resources, and use or occupation of coastal land.

District and city Councils prepare plans that lay out which activities and project types require or don't require a resource consent. If your project falls outside Council parameters, it will require a resource consent. These situations are common (i.e. building heights that exceed Council district plan rules), resulting in a majority of building projects requiring a resource consent.

Resource consent applications require an Assessment of Environmental Effects (AEE). These assessments explain which planning rules the project breaches, how small or large the infringement is, and what the impact on the environment will be as a result of the breach.

Your design team (and often your planner) will prepare your resource consent documentation and application. They may hold pre-application meetings with the relevant Council to gain an understanding of what's needed for a successful resource consent application and to ensure Council has upfront and transparent knowledge of the project details.

Resource consent applications are typically submitted at the end of the developed design phase and include:

- An Assessment of Environmental Effects (AEE)
- Written approval from affected parties (such as neighbours of the project site)
- Architectural drawings demonstrating the proposed building or development

Councils are subject to approval timeframes within the RMA. Once your resource consent application is lodged, Council is meant to approve or decline it within one month (20 working days), although delays are frequent.

During that initial month, they'll decide if they need to notify your application. This decision is determined by the severity of your project's potential environmental effects and means other people can have a say on your resource consent.

Notifications can be limited (only directly affected parties are alerted) or public (the general public is alerted). If your resource consent is publicly notified and a member of the general public makes a submission on your application, a hearing will be held in the Environment Court and your application may need revision to incorporate pertinent suggestions.

Notifications cause delays in the consenting process; decisions on limited notification applications can take up to 100 working days (four and a half months), while decisions on public notification applications can take up to 130 working days (six months).

Limited notification can typically be avoided by providing Council with written approval from all affected parties. Public notification is required if Council determines that the AEE shows the environmental effects will be more than minor or if a National Environmental Standard (NES) mandates it.



Murphy's Road

Masterplan, architecture, landscape



Context's Christchurch office
Interior design

Urban Design Panel approval

City Councils appoint independent Urban Design Panels that review and advise on larger residential or commercial developments in New Zealand's city centres. These panels comprise experienced urban design experts, and their opinion and/or approval is often necessary in order for these larger developments to proceed through the design and consenting process.

Your project may need to go through the city's Urban Design Panel approval process. You and your consultant team will present your project to the Panel and explain how it contributes to the surrounding environment and why it should be granted resource consent.

Very often, your project may exceed a building height or site density rule. In this presentation, your consultant team will be asked to explain why your development should go ahead as is.



Building Act 2004 and the Building Code

The Building Act covers construction, alteration, demolition, and maintenance of new and existing buildings and sets standards and procedures for building work to ensure that built forms are safe and healthy. Implemented by district and city Councils, the Building Act stipulates how building work can be undertaken, who can undertake it, and when it must be consented and inspected.

The Building Code, which all buildings (new and existing) must meet, defines the minimum standards under the Building Act. Building consents, which most projects must achieve, pertain to the Building Act and the Building Code.



McLennan Park

Urban design, architecture

Building consent approval

Once your resource consent has been approved, the developed design and detailed design phase commences. Building consent is the milestone achieved at the end of detailed design.

Granted by local Councils under the Building Act, a building consent is formal approval to carry out any type of building work (construction, alteration, demolition, etc.). It's required to ensure building work complies with the Building Code. There are a few exceptions for minor building work, but the vast majority of building projects require a building consent.

Your project cannot commence construction until your building consent is approved. Your design team will prepare your building consent application, and Council is meant to assess your application within 20 working days (one month) of lodgement. However, the total consent process may take one to two months depending on size.

During that assessment, Council may issue a request for further information (RFI) regarding information in the application or clarification on details. RFIs are common, and while it's everyone's goal to minimise them, it's not unusual for some projects to generate hundreds of RFIs.

**Construction cannot start until
you have a building consent**

The greater the number of RFIs, the longer the consenting process will take and the greater the probability that project deadlines will be affected. Complex projects that receive large numbers of RFIs can take longer than six months to receive building consent.

Councils often issue RFIs due to:

- Drawing detail clarifications
- Incomplete application forms
- Questions around showing compliance with the Building Code
- Failure to include all relevant approvals



Preston Apartments
Architecture

Certificate of Practical Completion and Code Compliance Certificate (CCC)

When all the works laid out in the project contract have been carried out, your design team will issue a Certificate of Practical Completion. At this point, your project is turned over to you for occupation or other intended purpose.

At practical completion, you'll typically receive documentation enabling you to take full ownership of and responsibility for the building or development, such as:

- A building owner's manual
- A building user's guide
- The health and safety file
- The building logbook

After practical completion, your project will be lodged for a Code Compliance Certificate (CCC) – a formal statement, issued by Council under section 95 of the Building Act, that your building work complies with your approved building consent.

A building consent authority will perform a final inspection of your building or development to ensure it complies with the building consent and meets the Building Code. Once Council is satisfied these requirements have been met, you'll be issued with a CCC.

You cannot buy or sell property without a CCC