

This table provides an overview of the core building control functions, duties and powers of different regulatory entities under the Building Act 2004 (the Act), being:

- › a non-territorial authority (TA) building consent authority (BCA) also known as a 'standalone BCA', as defined in section 7 of the Act
- › a BCA (as defined in section 7 of the Act) that is a TA ('BCA/TA')
- › a TA, as defined in section 7 of the Act.

The table has been developed to build a shared understanding of the various building control and record keeping functions carried out or administered by standalone BCAs, BCA/TAs and TAs under the Act.

| Reference | Function, duty or power | Relevant section(s) of the Building Act | Standalone building consent authority (also known as a 'private BCA' or 'non-TA BCA') | Building consent authority that is a territorial authority (BCA/TA) | Territorial authority (TA) |
|-----------|---|---|---|--|---|
| 1 | Issue project information memoranda (PIM) | s12, s31, s34, s238 | <p>No. A standalone BCA must obtain a PIM from the relevant TA prior to granting a building consent (if the owner has not obtained one already). The statutory timeframe for TAs to provide this is 20 working days.</p> <p>Note: this requirement does not apply where a PIM has been issued before the application for a building consent with a standalone BCA is made, s31(2)(b) of the Act refers.</p> | <p>A BCA must apply for a PIM from the relevant TA on receiving an application for consent (unless it is the TA for the district in which the proposed building work is to be situated, per s31(2)(a) of the Act).</p> | <p>Yes, a TA must issue a PIM after receiving an application under s31 or s32 of the Act.</p> <p>Note: obtaining a PIM is set to become mandatory in the case of exempt small standalone dwellings.</p> |

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| 2 | Grant exemptions for building work that would normally require a building consent ('TA discretionary exemption') | s12, Schedule 1 (Pt 1, Clause 2) | No | No | Yes |
| 3 | Accept, process, grant, issue, refuse and lapse building consents | s12, s45, s45A, s45B, s48, s49, s50, s51, s52 | Yes – see exceptions below | Yes | Yes |
| 4 | Grant waivers or modification to the Building Code (as part of issuing a building consent) | s12, s67 | No | No | Yes |
| 5 | Issue building consents if the building work is on land that is subject to natural hazards (See MBIE's natural hazard guidance for further information) | s71 | Yes, but only if adequate provision has been made to protect the land, building work, or other property from the hazard(s) or restore any damage the building work causes to that land or other property. | Yes, but only if adequate provision has been made to protect the land, building work, or other property from the hazard(s) or restore any damage the building work causes to that land or other property. | No |
| 6 | | s72, s73, s392 (involves waiver or modification of the Building Code) | No | Yes, as long as the building work will not worsen the natural hazard(s). A notice is added to the record of title for the property regarding any hazards. S392 provides immunity for BCA/TAs for a consent issued under s72. | Yes |
| 7 | Issue building consents for building work on two or more allotments | s75, s76, s77 | Yes, but must apply to the TA to have condition imposed under s75. | Yes | TA must issue a certificate that states condition of the consent. |

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| 8 | Issue building consents for existing buildings that are being altered (Refer to MBIE's 'SORG' guidance) | s112(1), s133AT(2) | Yes, (including for buildings subject to EPB notice) as long as the building's accessibility and fire provisions are being upgraded to meet the 'ANARP' test. | Yes (including for buildings subject to EPB notice) as long as the building's accessibility and fire provisions are being upgraded to meet the 'ANARP' test. | See below for TA interface for s112 and s133 |
| 9 | Allow the alteration of an existing building, without the building complying with specified provisions of the Building Code | s112(2), s133AT(3) | No | No | Yes, subject to conditions outlined in s112(2) and s133AT(3) of the Act. |
| 10 | Issue consents for new or altered buildings that: <ul style="list-style-type: none"> › propose a change of use › have a specified intended life (of less than 50 years) › extends the life of a building that has a specified intended life › sub-divides land that affects a building. | s12, s113, s114, s115, s116, s116A | No | No | Yes, all provisions listed in s114(2) require notice to be provided to the TA. |
| 11 | Inspections by BCAs | s12, s90 | Yes, agents of a BCA can inspect relevant land, buildings or building work | Yes, agents of a BCA can inspect relevant land, buildings or building work | No |

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| 12 | Issue or refuse to issue code compliance certificates (CCCs) | s12, s91, s94, s95, s95A | <p>Yes, but only in relation to a building consent it has issued (unless agreed otherwise by the building owner and the BCA that will issue the CCC).</p> <p>Note: that if the building consent is subject to the payment of a development contribution under section 198 of the Local Government Act 2002, a BCA that is other than a TA must refuse to issue a CCC until it has received evidence that the development contribution has been paid in full or a copy of a written agreement between the owner and the TA that the CCC must be issued.</p> | <p>Yes, but only in relation to a building consent it has issued (unless agreed otherwise by the building owner and the BCA that will issue the CCC).</p> <p>Note: s94(4) might apply here if the BCA/TA is not the TA of the relevant district.</p> | No |
| 13 | Issue certificates of acceptance for work done without a building consent | s12, s96 | No | No | Yes |
| 14 | Issue compliance schedules (for buildings that are not single household units and contain one or more specified systems or are single household units with cable cars attached to or servicing them) | s12, s102, s102A, s104, s104A | <p>Yes, if a compliance schedule is required as a result of building work, the BCA must issue that compliance schedule with the CCC and must notify the relevant TA and provide a copy of the compliance schedule within five working days, s104 of the Act refers.</p> <p>Note: s102A is limited to TAs.</p> | <p>Yes, if a compliance schedule is required as a result of building work, the BCA must issue that compliance schedule with the CCC.</p> <p>Note: s102A is limited to the 'appropriate TA'.</p> <p>Refer to s104 requirements, if the BCA is not the TA for the district where the building is situated.</p> | <p>Yes, for existing buildings that have specified systems but for some reason do not have an existing compliance schedule.</p> <p>The TA must within five working days of receiving the compliance schedule, provide the owner with a compliance schedule statement.</p> |
| 15 | Amend compliance schedules | s12, s106, s107 | No | No | Yes, on application or on own initiative |

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| 16 | Administer and enforce the provisions of annual building warrants of fitness | s12, s111 | No | No | Yes |
| 17 | Issue and enforce notices relating to dangerous, earthquake-prone, or insanitary buildings | s124 | No | No | Yes |
| 18 | Periodic inspection of residential pools | s162D | No | No | Yes Note: owners can choose who carries out the periodic inspections of their pool – either an independently qualified pool inspector (IQPI) or the TA. |
| 19 | Issue notices to fix (NTF) | s12, s164(2), s166 | Yes, a standalone BCA must issue a NTF if conditions prescribed by s164 of the Act are met and must provide a copy of the NTF to the relevant TA within five working days of issuance, s166 of the Act refers. Note, this includes the provision for the standalone BCA to transfer information (the NTF) to the relevant TA in accordance with s166(2) of the Act. | Yes, must issue a NTF if conditions prescribed by s164 of the Act are met. | Yes, a TA must issue a NTF if conditions prescribed by s164 of the Act are met. |
| 20 | Inspect or otherwise enforce NTFs | s167 | No | No | Yes |
| 21 | Fees and charges | s219, s240 | Yes, s240 applies. May impose a fee or charge in relation to performance of a function. | Yes, s240 applies. May impose a fee or charge in relation to performance of a function. | Yes, s219 applies. May impose a fee or charge in relation to performance of a function. |

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| 22 | Duties of standalone BCA | s238 | Yes, a standalone BCA must obtain a PIM before granting a building consent. Yes, must provide to Fire and Emergency New Zealand (FENZ) a copy of every application for a building consent of a kind specified by notice under s46 . Yes, must provide to the TA for the relevant district copies of documents called up in s238A. See the Milestones and provisions table which describes the types of information subject to the milestones set out in s238 and s238A of the Act. | No | TA's role is to receive copies of building consent information produced or received by a standalone BCA. |
| 23 | Scope of accreditation of a non-TA or RA BCA | s252 | Must work within its 'scope of accreditation'. | Does not apply | Does not apply |
| 24 | Issue certificates of public use (allowing the public to enter buildings intended for public use prior to the issue of a CCC) | s363A | No | No | Yes |

There are a number of administrative activities that all BCAs must undertake as part of performing building control work. These require a BCA to interact with TAs (or other government agencies) to complete as follows:

- › A standalone BCA must provide copies of building consent information to the TA for the relevant district within five working days after the BCA issues or receives the information (s238 and s238A of the Act). On 26 November 2024, s238 and 238A were amended by [section 26](#) of the Building (Earthquake-prone Building Deadlines and Other Matters) Amendment Act 2024. The [milestones and provisions table](#) provides further detail on the application of these sections of the Act
- › All BCAs (including standalone BCAs) and TAs must collect the building levy and pay it to the Chief Executive by the 20th day of the month following the month in which the relevant building consent was granted.
- › All BCAs (including standalone BCAs) must provide a copy of any application for building consent to Fire and Emergency New Zealand (FENZ) on receipt of the application, if it is of a kind specified by [gazette notice](#) (section 46 of the Act).