Building regulatory framework

Our goal is safer, healthier and more affordable homes and buildings.

All building work in New Zealand must meet certain standards. They are set out in legislation and regulations that determine how work can be done, who can do it, and ensure the system has checks and consumer protection in place.

The legislation and regulations work together as the building performance system:

- **Building Act 2004** – the primary legislation governing the building and construction industry
- **Building Code** - contained in Schedule 1 of the Building Regulations 1992, sets the minimum performance standards buildings must meet
- **Building Regulations** – detail for particular building controls (eg prescribed forms, list of specified systems, definitions of ‘change the use’ and ‘moderate earthquake’, levies, fees and infringements).

![Three part framework for the regulation and performance of buildings in New Zealand.](image)

The Building Act and its regulations work alongside other legislation, including:

- Resource Management Act
- laws specifying certain plumbing, gas and electrical work must be done by qualified professionals
- Fire Service Act 1975
- council bylaws.

View a list of other legislation affecting buildings and building work on the [MBIE corporate website](https://www.mbie.govt.nz/cross-government-functions/regulatory-stewardship/regulatory-systems/building-regulatory-system/).

All building work must comply with the Building Code, whether or not a building consent is required. A building owner has to achieve the minimum performance criteria set out in the Building Code. To issue a building consent, a building consent authority (usually the council) must accept evidence of compliance with the Building Code.

A building owner may use design solutions given in Acceptable Solutions, or use the calculation and test methods in Verification Methods to demonstrate how their proposed building work will comply with the Building Code. Or they can choose other means, which are often referred to as alternative solutions.
Role of regulators

MBIE is the over-arching regulator, other agencies have a regulatory or quasi-regulatory role.

MBIE

MBIE provides overall leadership of the building and construction sector. Our aim is to grow New Zealand for all through safer, healthier and more affordable homes and buildings.

Our work includes managing the system that regulates building work and monitoring its effectiveness. We review the Building Code and produce documents that show how to comply with it. We also monitor the performance of district and city councils. We can investigate complaints and make determinations about disputes on certain building matters.

MBIE works alongside building practitioners, government agencies, other regulators and the construction industry to understand what matters to the sector and to improve the regulatory system.

Building consent authorities

Most city and district councils are building consent authorities (BCA). They may also contract these services out.

BCAs issue building consents, undertake inspections during construction and issue code compliance certificates, certifying that the finished work complies with the Building Code. They also issue notices to fix and compliance schedules.

BCAs charge a fee for these services. The fee depends on the BCA and the amount of work involved, but is generally set for the recovery of reasonable costs. It will be a small proportion of the cost of the whole building project and will provide assurance that the job has been done properly.

District and city councils

Councillors have a range of building-related responsibilities over and above those of a BCA.

They keep records about all the properties in their area, issue project information memoranda and certificates of acceptance,
monitor compliance schedules and follow up notices to fix. They also have policies for certain buildings that are most vulnerable in an earthquake.

Councils also have powers to address breaches of the Building Act. They can issue infringement notices or, in some circumstances, organise for remedial work to be done.