

Building permit and planning permit consistency

This replaces previous Minister's Guideline 00/01 issued on 1 November 2000 and reprinted 2003

Pursuant to section 188(1)(a) of the Building Act 1993 (the Act) I hereby issue the following Guideline concerning the functions of municipal building surveyors and private building surveyors and section 24(1) of the Act. Section 188(7) of the Act provides that municipal building surveyors and private building surveyors must have regard to a relevant guideline in carrying out a function under the Act.

1. SECTION 24(1) AND PURPOSE OF THIS GUIDELINE

Section 24(1) of the Act integrates the operation of the building and planning systems by requiring the relevant building surveyor to be satisfied that any relevant planning permit or other prescribed approval that may be required for proposed building work has been obtained and that the building permit to be issued for the proposed building work will be consistent with any relevant planning permit or prescribed approval, before the building permit is issued. The purpose of this Guideline is to set out a procedure to be followed by the relevant building surveyor (RBS) in deciding an application for a building permit where the building surveyor must determine:

- (a) whether any relevant planning permit or other prescribed approval has been obtained; and
- (b) whether the proposed building work will be consistent with any relevant planning permit or prescribed approval.

2. DETERMINING WHETHER A RELEVANT PLANNING PERMIT HAS BEEN OBTAINED

To establish whether any relevant planning permit or other prescribed approval is required or has been obtained in relation to the proposed building work, the relevant building surveyor should take one or more of the following steps as may be appropriate in the circumstances:

- (a) obtain a copy of any relevant planning permit or prescribed approval applying to the proposed building work from the owner;
- (b) refer to the relevant planning scheme;
- (c) make an inquiry in writing to the relevant municipal council;
- (d) obtain independent professional advice from a person experienced in advising on planning schemes and the requirement for planning permits; or
- (e) obtain a Certificate of Compliance under Part 4A of the Planning and Environment Act 1987 from the responsible authority.

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3. DETERMINING WHETHER THE BUILDING PERMIT WILL BE CONSISTENT WITH THE PLANNING PERMIT

(1) If a planning permit is required for the proposed building work and has been obtained, the relevant Building surveyor should obtain copies¹ of the following:

- (a) the planning permit;
- (b) the plans endorsed by the responsible authority as part of that planning permit; and
- (c) any documents referred to in the planning permit (including plans, reports, drawings, plans of subdivision or agreements under section 173 of the Planning and Environment Act 1987).

(2) in determining whether the building permit will be consistent with the planning permit, the relevant building surveyor should –

- (a) compare the plans lodged with the application for the building permit with those plans endorsed by the responsible authority as part of the planning permit and any documents referred to in the planning permit that have a direct bearing on the proposed building permit, to ensure that they are consistent; and
- (b) confirm that all planning permit conditions relevant to the building permit that are required to be completed prior to commencement of the development have been complied with.

(3) The relevant building surveyor's assessment of consistency between the building permit and the relevant planning permit should include (but not be limited to consideration of :

- (a) the height, area, form and configuration of the proposed building work or any part of the building work;
- (b) the location of the proposed building on the land, including setbacks from boundaries;
- (c) the location of windows, doors, and privacy screens;
- (d) any conditions of the planning permit that have specific construction requirements or that require specification construction details; and
- (e) the proposed use of the building work.

4. Amending a building permit

This Guideline should be applied by a relevant building surveyor in considering any proposal to amend a building permit.

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