

APPLYING FOR A PIM PRIOR TO YOUR BUILDING CONSENT APPLICATION

Applying for a Project Information Memorandum (PIM) prior to submitting the building consent application will make major improvements to the efficiency of the consenting process. It was and still is the purpose of the PIM to deal with RMA and district plan matters before the building consent application is lodged.

A PIM requires that Council check all applicable legislation against the design proposal and involves several departments. Any authorisations that the proposed building requires are also identified.

If there are design changes needed, these can be made by the designer as a result of what the PIM has identified before the Building Consent application is made. This avoids formal amendments/ variations that are often required if the building consent process has already begun or been completed when the planning checks are delayed – as they often are.

What information is identified in a PIM?

Whether resource consent is required (some considerations included below).

1. Infrastructure issues i.e. public drains etc. (stormwater/ wastewater); water supply.
2. Natural Hazards, is the land subject to any? Does section 71 or 72 of the building act apply?
3. Vehicle access requirements
4. 'Authorisations' i.e. any NUO issues - Electricity; Drainage; Historical trust; Archaeology etc.
5. Identification of any boundary issues - i.e. setback requirements; section 75 (building across the boundary)the list goes on.....

The list above is only a sample of the information a PIM can include and involves several departments to check.

It is important for you to realise that when you apply to the Council for a building consent and have not applied for a PIM prior to this, Council is still required to do all of the checks above.

It is called an 'RMA check' or an 'internal PIM' and you pay for this which would be (or should be) a similar cost of a PIM. When an RMA check is undertaken at the same time as the building consent, everything combines into a bottleneck. Several departments and pieces of legislation are involved at once.

Like rush hour, traffic becomes backed up to get through a tunnel. It is little wonder there is a bottleneck at the building consent stage. This is why you get Planning RFIs, section 37s attached to the building consent, and planning rechecks that prevent work from starting. The pressure is on to get the consent issued, contractors are gearing up to start the project, and all are waiting for the building consent. Now you are frustrated with RFIs coming from several directions, both Planning *and* Building.

Why?

Your application is being assessed against *two major pieces of legislation at the same time*, the Resource Management Act - and the Building Act.

The intent of the PIM was meant to provide the applicant with all necessary information checked against the RMA (District plan, by-laws etc.), that effect the design so that any changes could be made and authorisations/ approvals obtained etc. **prior to the Building Consent application.**

Getting a PIM from Council prior to the building consent application with BCAL will make an immediate and positive difference in terms of efficiency in processing the building consent. Council must identify ANY relevant matters that are required for the project at the PIM stage. The purpose of this was intended so you get them sorted before the building consent application.

Get the PIM early – It is a better way

There is a better way to relieve this major pressure point. It is by separating the assessment of your building design proposal from the building code assessment (building consent application) by getting all the other checks done first. The PIM is the trigger for all these assessments above to be done by Council. They MUST do all relevant checks if an application for a PIM is made. If you want to read this law refer to section 33 of the Building Act – in particular, read clause 2 & 3.

A PIM application ironically requires far more basic information than a building consent application and yet reaps enormous return by getting through all other Council checks in advance of the building consent application. Any 'roadblocks' are identified early, various connections and authorisations; approvals identified and applied for- and if changes are required to the design as a result, the designer makes them before the building consent application with no amendment requirements. This was how it was meant to be done. This was always the intent of the PIM that was forgotten.

We hope you will realise that there are significant benefits of developing a procedure in design that works toward *two key stages* as opposed to the single building consent/ Planning check application stage when applying for a consent to Council – without a PIM.

Stage 1: PIM Application

- The designer lodges the PIM application to Council first.
- Any information provided back to you through the PIM process enables informed decisions to be made and design changes agreed, decided, and made early, without the need for any amendments.
- Council **MUST** notify you within **10 working days** of the PIM application of any authorisations or connections – before the 20 working days when the PIM must be issued – refer to s33(2)(3) of the Act.
- When the PIM is issued, if Council identifies breaches of the district plan, you will be issued a section 37 certificate attached to the PIM. At this stage, you can apply to BCAL for the building consent – attach the PIM and any certificates – see ‘Stage 2’ below.
- Meanwhile, if you do not want a resource consent, you simply make the changes to the plans to comply with the district plan and send these changes back to the council requesting to confirm the section 37 no longer applies i.e. the breaches are resolved.

Stage 2 - Building Consent application.

- The designer includes a copy of the PIM with the building consent application to BCAL along with any consent notices and relevant information now known.
- Council have done their checks. It is only the Building code the design requires assessment against now that BCAL will undertake. Planning is finished.
- While the building consent is being processed by BCAL, you can work with Council to resolve with any issues the PIM raised – unless you already have done this.

Frequently Asked Questions

Q- What do I need to apply for the PIM?

A – Far less information than the building consent application. This can be confusing because the same form is used for both a building consent and a PIM application. Most Councils have a PIM checklist, so applicants know what Council needs. If you use these checklists you are entitled to expect that your PIM will be accurate.

Q- What if changes have been made after the PIM and before the building consent has been issued?

A – You need to ensure that any changes are made after the PIM is issued do not breach the district plan. If they do or you are unsure, you are responsible to check with Council because this is a matter between you and the Council who may also undertake resource monitoring.

Q- What about the extra cost of the PIM?

A- If you applied to the Council for a building consent, Council also do an 'RMA' check which is chargeable. The checks Council do are the same checks that are required by a PIM application therefore the fees should be similar.

Q- I do subdivisions and generally know what the Planning issues are, because most all of the sections are the same. What advantage is it to me if I apply for a PIM before the BC?

A- As above, when you apply to Council for a building consent, all the other checks are still required to be done. The advantage in obtaining the PIM first is to be able to head down the 'bus lane' and avoid the 'tunnel.'

Q- There is still a 20-day statutory timeframe for the PIM and potential delays so what difference will this make anyway?

A- Although there is a 20-day timeframe for the PIM itself to be issued, there is only a **10-day** timeframe for Council to notify you of most relevant 'authorisations and requirements.' In fact, if Council fail to notify you within 10 days of these specified requirements, Council is not legally allowed to include any of these requirements when they issue the PIM i.e. section 37.

33 Content of application (PIM)

- (1) An application for a project information memorandum must be in the prescribed form and be accompanied by —
- (a) any fees and charges imposed by the territorial authority under section 219; and
 - (b) any information that the territorial authority reasonably requires in relation to authorisations or requirements (if any) that —
 - (i) the territorial authority is authorised to refuse or impose under any Act (except this Act); and
 - (ii) are likely to be relevant to the design and construction of the proposed building; and
 - (c) any other information that the territorial authority (acting as agent for a network utility operator by prior agreement with that network utility operator) requires in respect of proposed connections to public utilities from the proposed building work.
- (2) The territorial authority ***may not make a requirement*** under subsection (1) (b) **if more than 10 working days have elapsed since the date on which the territorial authority received the application.**
- (3) For the purposes of subsection (1)(b), the authorisations and requirements referred to in that subsection include, without limitation, authorisations, and requirements in respect of —
- (a) the intended use of the proposed building; and
 - (b) the location and external dimensions of the proposed building; and
 - (c) provisions to be made —
 - (i) for access for vehicles; and
 - (ii) in building over or adjacent to any road or public place; and
 - (iii) for disposing of stormwater and wastewater; and
 - (d) Precautions to be taken if building work is carried out over any existing drains or sewers or in close proximity to wells or water mains.

What does this mean?

Once the 10-day period has passed, the council cannot use a section 37 certificate to restrict building work starting related to any matters covered by section 33(3) if they failed to notify the applicant as required within the 10-day timeframe—this ensures fairness, transparency, and avoids undue delay for the applicant.

The law is designed to protect applicants from late or unexpected restrictions by requiring councils to identify all these matters as early as possible in the process—specifically within the 10-day PIM window – not added later than 10-days in the form of a section 37 certificate when the PIM is issued.

While the applicant may still need certain approvals, these can be sought without limitations on starting work – if Council has failed to notify the applicant of these requirements within the 10-day period of the items specified in clause 3.

What the law states a PIM must contain – section 35

In brief summary, the Council is required by law to include in the PIM not merely a statement that you need ‘this or that’ authorisation but ‘the details.’

A project information memorandum must include —

(a) information likely to be relevant to the proposed building work that, in terms of any other Act, has been notified to the territorial authority by a statutory authority; and

(b) *details* of any existing stormwater or wastewater utility systems that —

(i) relate to the proposed building work; or

(ii) are on, or adjacent to, the site of the proposed building work; and

(c) *details* of any authorisation in respect of the proposed building work..... and, in respect of each authorisation, —

(i) *a statement of the requirements to be met in order for the authorisation to be granted or imposed; and*

(ii) *the conditions to which an authorisation will be subject;*

In Summary

If Council has all the information it requires to process any authorisations, it is reasonable to expect that Council will either 'authorise' these requirements or request the information lacking to complete the authorisations.

Council should not 'defer' any such approvals or authorisations to the building consent stage.

The purpose of the PIM is precisely that the applicant can expect all relevant matters to be resolved so there is no delay in the project.

If Council meet its obligations of notifications within the 10-day timeframe as specified in s33(3), this should also be the time where Council request any information it needs to complete the authorisations.

Because the purpose of the PIM is precisely for this purpose.

BCAL appreciate that T/As have typically been dealing with the RMA checks at the building consent application stage and need to amend processes to appropriately deal with PIMs in compliance with s31-39. BCAL is committed to engage and collaborate with T/As along with clients to help facilitate the transition as soon as possible.

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