



## **Building Controls and Standards Amendment Regulations 2025**

Sir Tom J. Marsters, KBE

**King's  
Representative**

### **Order in Executive Council**

At Avarua, Rarotonga this 28<sup>th</sup> day of January, 2025

**Present:**

### **His Excellency the King's Representative in Executive Council**

Pursuant to section 5 of the Building Controls and Standards Act 1991, His Excellency the King's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations—

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#### **Schedule**

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#### **Regulations**

- 1 **Title**  
These regulations are the Building Controls and Standards Amendment Regulations 2025.
- 2 **Commencement**  
These regulations come into force on the day after the date on which they are made.
- 3 **Principal regulations**  
These regulations amend the Building Controls and Standards Regulations 1991.
- 4 **Regulation 6 amended (Application for building permit)**  
Replace regulation 6(6) with:  
“(6) All documents must be submitted in duplicate.”
- 5 **Regulation 9 amended (Documents to become property of Department of Works)**  
Replace regulation 9(2) with:  
“(2) When a building permit is issued, 1 copy of the documents connected with the application under regulation 6 must be returned to the applicant. The applicant must keep that copy at the building site during the erection and make it available to the Building Controller during inspections.”
- 6 **Regulation 24 amended (Existing buildings)**
  - (1) Replace regulation 4(b) with:  
“(b) that the proposed use does not contravene the Act, these regulations, or the Building Controls and Standards (National Building Code) Order 2022; and  
“(c) that the proposed use does not contravene any other enactment.”
  - (2) Repeal regulation 24(7).
- 7 **Schedule 4 amended (Schedule of fees)**  
In Schedule 4, replace item 6 with:  
“6. Regulation 24 – Application for certificate of suitability  
“The fee is \$50 per hour of processing time based on 3 categories of low, moderate, or high occupancy:  
“Low (up to 9 people) is 1 hour x 4\* being a total of \$200  
“Moderate (10 to 50 people) is 2 hours x 4\* being a total of \$400  
“High (51 or more people) is 3 hours x 4\* being a total of \$600  
“\*4 relates to the 4 assessments for the physical structure, accessibility, fire safety, and the wastewater treatment system.”
- 8 **Schedules 1 and 9 replaced**
  - (1) Replace Schedule 1 with the Schedule 1 in Part 1 of the Schedule.
  - (2) Replace Schedule 9 with the Schedule 9 in Part 2 of the Schedule.

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**Schedule**  
**Schedules 1 and 9 replaced**

**Part 1**

**Schedule 1**  
**Application for building permit**

This application is made under section 12 of the Building Controls and Standards Act 1991 and regulation 5 of the Building Controls and Standards Regulations 1991.

Date received: \_\_\_\_\_ Application No: \_\_\_\_\_

**Owner**

Name: \_\_\_\_\_

Alternative contact: \_\_\_\_\_

Mobile No: \_\_\_\_\_ Landline No: \_\_\_\_\_

Email address: \_\_\_\_\_

**Agent** (*required if the application is being made on behalf of the owner*)

Name: \_\_\_\_\_

Company name: \_\_\_\_\_

Mobile No: \_\_\_\_\_ Landline No: \_\_\_\_\_

Email address: \_\_\_\_\_

☐ Attached letter from the owner giving permission

**Application type** (*tick whichever apply*)

☐ Building permit—new build

☐ Building permit—renovation (where the footprint of the existing building does not change)

☐ Building permit—extension (the footprint of the existing building will change)

☐ Amendment to a building permit

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**Building class** (*select which class your building falls under*)

<input type="checkbox"/>	Class 1	Residential dwelling; hostel for not more than 12 persons	<input type="checkbox"/>	Class 7a	Building for storage, display of goods or produce;
			<input type="checkbox"/>	Class 7b	Public carpark
<input type="checkbox"/>	Class 2	Building containing 2 or more units, tourist accommodation comprising multi rooms, units, or apartments	<input type="checkbox"/>	Class 8	Laboratory; building for production, repair, cleaning for trade, sale
<input type="checkbox"/>	Class 3	Hostel (13+ persons); residential part of motel, school or health care building; aged or disabled care accommodation	<input type="checkbox"/>	Class 9a	Health-care building
			<input type="checkbox"/>	Class 9b	Assembly building
<input type="checkbox"/>	Class 4	Single dwelling inside a building that is class 5, 6, 7, 8, or 9	<input type="checkbox"/>	Class 10a	Carport; private garage; shed
<input type="checkbox"/>	Class 5	Office building	<input type="checkbox"/>	Class 10b	Fence; mast, antenna; retaining or free standing wall; swimming pool
<input type="checkbox"/>	Class 6	Shop, café, restaurant, hairdressers			

**Additional information about the build**

Number of floor levels:		Total floor area m <sup>2</sup> :	
Description of building work eg concrete block house, timber frame house:			
Intended use:		Estimated cost of the building:	
Estimated start date:			

**Renovation**

Will the building work result in a change of use?	Yes/No	(If yes, you need to apply for a certificate of suitability)
Current established use:		
Details of new use:		
Estimated cost of the renovation/extension:		



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## Extension

Will the building work result in a change of use?	Yes/No	(If yes, you need to apply for a certificate of suitability)
Current established use:		
Details of new use:		
Estimated cost of the renovation / extension:		

## Project information (tick which matters below are involved in the project)

- |  |  |
|--|--|
| <input type="checkbox"/> Subdivision   | <input type="checkbox"/> Building work over or adjacent to any road or public place. You must apply for a permission to use public places  |
| <input type="checkbox"/> Alterations to land contours  | <input type="checkbox"/> Disposal of stormwater or wastewater  |
| <input type="checkbox"/> New or altered location on the site and/or external dimensions of buildings | <input type="checkbox"/> Building work over any existing drains or in close proximity to wells or water mains                              |
| <input type="checkbox"/> New or changed driveway for vehicles  | <input type="checkbox"/> Other matters known to the applicant that may require authorisations from Building Control (please specify below) |

## Attachments (the following documents must be attached to this application)

### Building

- ☐ Site plan (to scale) that shows the site of the proposed building along with any future extensions planned, the streets, public places, private accessways, location of power poles, power cables and the like
- ☐ Site plan showing the location of the house on the site, use of each room, and location of the wastewater treatment system
- ☐ Complete working drawings showing structural details, plumbing, sanitation and earthworks
- ☐ Architectural drawings that show the use of each room, fire exits, and escape routes
- ☐ Structural design criteria used ie wind, other design loadings, properties of materials
- ☐ Structural design calculations and diagrams eg for concrete and steel
- ☐ Fire engineering calculations ie sprinklers, firewalls
- ☐ Test report and certificates eg materials and methods of construction, soil properties
- ☐ Specifications for carrying out the work
- ☐ Schematics of the exterior facade (only required for class 2, 5, 6, 7, 8 and 9)

**Land** *(please enter the details of the land the building is will be built on)*

Land: \_\_\_\_\_

Tapere: \_\_\_\_\_

District: \_\_\_\_\_

Island: \_\_\_\_\_

Area: \_\_\_\_\_

The following evidence of ownership is attached to this application:

- ☐ Sealed order— occupation right                      ☐ Deed of lease—lease
- ☐ Sale and purchase agreement

GPS location: \_\_\_\_\_

**Other approvals gained** *(you must have the approvals from the National Environment Service and Te Marae Ora for Class 1 to 9 buildings to be approved for a building permit— tick the approvals you have)*

From the National Environment Service:

- ☐ Environmental approval      ☐ Environmental consent      ☐ EIA permit

From Te Marae Ora:

- ☐ Sewage construction permit *(required for classes 1 to 7a, 8, and 9 buildings)*

**Planning Requirements** *(your draftsman or architect must fill out and sign this section to confirm that the planning requirements of the Cook Islands Building Code are incorporated into the building plans)*

By ticking each of the requirements below, I confirm that I have ensured they are incorporated into my clients building plans.

- ☐ Minimum acceptable floor levels for the location
- ☐ Vehicle access provision
- ☐ Parking provision
- ☐ Building setback
- ☐ Maximum building height
- ☐ Emergency vehicle access

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

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**Key contacts / licensed building practitioners**

*(Please provide the following details for all applicable licensed building practitioners who will be involved in carrying out building work. Write N/A where the practitioners don't apply. If these details are unknown at the time of application, they **must** be supplied before the building work begins)*

**Draftsperson / Architect**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**Structural Engineer**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**Head Contractor / Site Manager**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**Builder / Carpentry work**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**Drainlayer**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**Plumber**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**Electrician**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**Gas fitter**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_



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**Foundation work**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**Bricklaying**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**External Plastering**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**Roofing work**

Business/Name: \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Landline No: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Reg No: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**Fees** (see item 1 of Schedule 4 of the Building Controls and Standards Regulations 1991)

- |   |                                   |
|---|-----------------------------------|
| 1 | Total floor m <sup>2</sup> :      |
| 2 | Fee for m <sup>2</sup> per class: |
| 3 | Total (multiply row 1 by row 2).  |

**Payment**

Permit related invoices/refunds to be billed to:	<input type="checkbox"/> Owner	<input type="checkbox"/> Agent
Preferred method of billing:	<input type="checkbox"/> Email	<input type="checkbox"/> In-person
Method of payment	<input type="checkbox"/> Cash	<input type="checkbox"/> Cheque
	<input type="checkbox"/> Online banking	<input type="checkbox"/> Smart app

Receipt number (inserted by ICI): \_\_\_\_\_

**Signature**

By signing off on this building permit application, I am declaring that all the information provided is true and correct and that I am duly authorised to sign off on this application.

Name: \_\_\_\_\_ ☐ Owner ☐ Agent

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## Part 2

### Schedule 9

#### Application for certificate of suitability

This application is made to the Building Controller under regulation 24(2) of the Building Controls and Standards Regulations 1991. The notes for applicants should be read before filling in this form.

Date received: \_\_\_\_\_ Application No: \_\_\_\_\_

#### 1. Applicant Details

##### Owner

Name: \_\_\_\_\_  
Alternative contact: \_\_\_\_\_  
Mobile Ph No: \_\_\_\_\_ Landline Ph No: \_\_\_\_\_  
Email address: \_\_\_\_\_

**Agent** (*only required if the application is being made on behalf of the owner*)

Name: \_\_\_\_\_  
Company name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Mobile Ph No: \_\_\_\_\_ Landline Ph No: \_\_\_\_\_  
Email address: \_\_\_\_\_

☐ Attached letter from the owner giving permission

#### 2. Location Information

Land: \_\_\_\_\_  
Tapere: \_\_\_\_\_ District: \_\_\_\_\_  
Island: \_\_\_\_\_ Area: \_\_\_\_\_

The following evidence of ownership is attached to this application:

- ☐ Sealed Order - Occupation Right      ☐ Deed of Lease – Lease  
☐ Sale and Purchase agreement

GPS Location: \_\_\_\_\_

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**3. Buildings Current Use**

Use Type		Max Occupancy No	Application Fee
<input type="checkbox"/>	Residential house / Long term rental house		<p>For all applications 3 categories apply:</p> <p>Low (up to 9 people) = \$200</p> <p>Moderate (10-50 people) = \$400</p> <p>High (51 people or more) = \$600</p> <p><i>(see item 6 of Schedule 4 of the Building Controls and Standards Regulations 1991)</i></p>
<input type="checkbox"/>	Residential hostel		
<input type="checkbox"/>	Short term rental home		
<input type="checkbox"/>	Hotel / Motel / Resort		
<input type="checkbox"/>	Office		
<input type="checkbox"/>	Community building		
<input type="checkbox"/>	School		
<input type="checkbox"/>	Shop / Retail		
<input type="checkbox"/>	Café / Takeaway / Restaurant		
<input type="checkbox"/>	Food preparation		
<input type="checkbox"/>	Industrial, laboratory		
<input type="checkbox"/>	Carport / Garage		
<input type="checkbox"/>	Healthcare / Aged care / Disability care / Childcare		

**4. Buildings Proposed New Use and Fee**

Use Type		Max Occupancy No
<input type="checkbox"/>	Residential house / Long term rental house	
<input type="checkbox"/>	Residential hostel	
<input type="checkbox"/>	Short term rental home	
<input type="checkbox"/>	Hotel / Motel / Resort	
<input type="checkbox"/>	Office	
<input type="checkbox"/>	Community building	
<input type="checkbox"/>	School	
<input type="checkbox"/>	Shop / Retail	
<input type="checkbox"/>	Café / Takeaway / Restaurant	
<input type="checkbox"/>	Food preparation	
<input type="checkbox"/>	Industrial, laboratory	
<input type="checkbox"/>	Carport / Garage	
<input type="checkbox"/>	Healthcare / Aged care / Disability care / Childcare	

## 5. Requirements for all changes of use

Requirements	Next Steps
Compliant onsite wastewater treatment system	An assessment will be commissioned by the Building Controller
Smoke alarms installed in the building	You will be advised
Fire extinguisher installed in the building	You will be advised

<b>6. Will you be operating a business from the building or will the building be used to generate business income?</b>	No – skip to section 7	Yes – fill out section 6
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## 7. Requirements for non-commercial use to commercial use

*(This section is to ensure you have the necessary requirements under existing legislation to operate a business or earn income from the building. However, see note below.)*

Requirements	Required Evidence
Registered as a business (Rarotonga: if business income will be over \$30,000 per annum Pa Enua: if business income will be over \$11,000 per annum) Sole Trader, Partnership or a Limited Liability Company	VAT/Company No: Letter confirming registration Applicable Professional/Occupational Licence
For premises that will prepare, serve or sell food: You must apply to Public Health for a Food License.	Food License application confirmation
For premises where tobacco will be sold or consumed: You must apply to Public Health for a Tobacco Licence	Tobacco License application confirmation
For premises where alcohol will be sold or served: You must apply to Ministry of Transport for a Liquor License	Liquor License application confirmation
For accommodation, office and retail buildings: Adequate provision for access from parking, entering the building and sanitary facilities must be made	Will be inspected, advice to follow
Rooms 50+, 4% of rooms are accessible	Will be inspected, advice to follow
Rooms under 50, 1 room is accessible	Will be inspected, advice to follow
Single short term rental home is accessible	Will be inspected, advice to follow
Fire safety	Will be inspected, advice to follow



**8. Checklist** (include the following as part of the application where applicable)

<input type="checkbox"/>	As-built of current building if building is over 7 years old
<input type="checkbox"/>	Building permit application if any renovation or extension is intended
<input type="checkbox"/>	Letter from Revenue Management Division confirming tax registration status and VAT number
<input type="checkbox"/>	Confirmation letter from Te Marae Ora of a Food License application
<input type="checkbox"/>	Confirmation letter from Te Marae Ora of a Tobacco License application
<input type="checkbox"/>	Confirmation letter from the Ministry of Transport of a Liquor License application
<input type="checkbox"/>	Evidence of any other professional / occupational licences
<input type="checkbox"/>	Applicable fee as per table for intended new use and associated fees

**Note:**

You may be contacted to provide additional information to support the review of your application, for any of the matters dealt with in this application or, if, when it is being assessed, it appears to raise other issues related to the Building Controls and Standards Act 1991, the Building Controls and Standards Regulations 1991, the Building Controls and Standards (National Building Code) Order 2022, or any other enactment. You may also be asked to meet other requirements under those enactments, for example, applying for a relevant permit.

**9. Payment**

Permit related invoices/refunds to be billed to: ☐ Owner ☐ Agent  
 Preferred method of billing: ☐ Email ☐ In-person  
 Method of payment: ☐ Cash ☐ Cheque  
☐ Online banking ☐ Smartie app  
 Receipt number (inserted by ICI): \_\_\_\_\_

**10. Signature**

By signing off on this Certificate of Suitability application I am declaring that all the information provided is true and correct and that I am duly authorised to sign off on this application.

Name: \_\_\_\_\_ ☐ Owner ☐ Agent

Signed: \_\_\_\_\_ Date: \_\_\_\_\_