

Customer Information

The Building Act The Building Act 2004 provides for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards, to ensure that:

- people who use buildings can do so safely and without endangering their health; and
- buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and
- people who use a building can escape from the building if it is on fire; and
- buildings are designed, constructed, and able to be used in ways that promote sustainable development.

To achieve this purpose, the Act requires anyone proposing to do building work to obtain Building Consent from a Building Consent Authority before commencing building work except if exempt under Schedule 1.

Who administers the Building Act? The Ministry of Business Innovation and Employment (MBIE)* (www.building.govt.nz) is the government department responsible for administering the Building Act 2004.

What is a Building Consent Authority? Building Consent Authorities are organisations accredited and registered under Section 273 of the Building Act 2004, and are responsible for performing building control functions under Part 2 of the Act.

Buller District Council is a local Territorial Authority that has been accredited as a Building Consent Authority – herein referred to as Council.

The Building Act also gives Regional Authorities the functions and powers to, amongst other things, exercise building control for dams including issuing Project Information Memoranda (PIMs), processing building consents, inspecting building work and assessing compliance with the Building Code and issuing code compliance certificates. Therefore if you wish to apply for a consent or PIM for the construction of a dam which is not covered under exempt work in Schedule 1 you must apply to the Otago Regional Council (ORC). ORC have a transfer arrangement with the West Coast Regional Council to carry out this work.

What is a Project Information Memorandum? A Project Information Memorandum (PIM) is a memorandum issued by Council under section 34 of the Act and sets out information relevant to your building work. Council does not issue a PIM unless one has specifically been requested. However a PIM can be an extremely useful tool to help with design requirements and may reduce time and costs during the consent approval process.

A PIM must include all such information known to Council which may be relevant to the project or site including any known or potential erosion, falling debris, subsidence, slippage, inundation or the presence of hazardous contaminants which are likely to be relevant to the design, construction or alteration of your proposed building which are known to Council.

Details of stormwater or wastewater utility systems which may relate to your project or site will also be included (where applicable).

A PIM also identifies any additional approvals required such as:

- Resource Management Act
- New Zealand Historic Places Trust (heritage buildings / sites)
- Fire & Emergency New Zealand

The PIM will also provide confirmation or otherwise that you may carry out the building work subject to the requirements of the Building Consent and all other necessary authorisations being obtained.

A PIM does not give any form of approval under the District Plan or Building Act.

Contact Council Planners, to determine whether your proposal complies with the District Plan. If it does not, and resource consent is required, you are strongly advised to obtain this before seeking Building Consent to avoid possible expensive changes to your proposal.

How to apply for a PIM An application for a PIM may be made using our online electronic system or in hardcopy using the PIM application form. Applications must be accompanied by a site plan, floor plan, building elevations and proof of ownership such as a Certificate of Title or Sale and Purchase Agreement.

How long does it take? Council is required to issue the PIM within twenty (20) working days of application being received. Providing all fees are paid, the PIM will be emailed or posted to the applicant when it is issued. Sometimes it may be necessary for Council to obtain further information from you to enable your PIM processing to be completed. In such cases the Council will contact you requesting the required information and when this is received Council has a further 10 working days to issue the PIM.

What is a Building Consent? A Building Consent is the formal approval issued by a BCA that certain works meet the requirements of the New Zealand Building Act, Building Regulations and Building Code.

You cannot start any building work that requires a consent until the consent has been granted, issued and released to you. Most building work requires a Building Consent but some minor work is exempt under the Act. Exempt work is listed on Schedule 1 of the Building Act 2004. This may be viewed on the web at www.building.govt.nz. If you would like Council to confirm whether your project is exempt under Schedule 1 you will need to supply scale plans of the project (including a site plan where applicable). An inspector will assess your plans and give you written confirmation as to whether a consent is required.

The processing of exemption applications are charged out on an hourly basis with a minimum deposit fee and full cost recovery.

When is a Building Consent required? A Building Consent is required for most work including:

- swimming pools
- retaining walls over 1.5m (with no surcharge)
- retaining walls any height incurring a surcharge
- free-standing non-habitable buildings larger than 10m2
- some changes of use (may include an increase in occupant nos.)
- ventilation and air-conditioning systems (commercial)
- plumbing/drainage work
- fencing over 2.5m
- decks over 1.5m high
- carports larger than 20m2
- relocation and some demolition work
- additions, alterations to existing buildings
- new buildings
- heating appliances including fireplaces

How and where do I apply for a Building Consent and what information do I need?

You may apply online via the AlphaOne electronic system and complete the BC application (Form2) **Hard copy applications** will still be accepted but these must be made on the prescribed form. Application packs are available from Council offices in Westport and Reefton, or from our website. The application form must be completed in full.

You may make a series of applications for building consents for stages of the proposed work. However, if a code compliance certificate has not been issued for any previous stages then the total value of the work will be used to calculate the building levies payable.

We recommend that you engage a professional person to help with compiling your application.

Your application must include

- How the building work complies with the relevant Building Code clauses
- plans and specifications
- Ground bearing report (only required for new construction or extensions)

- engineering calculations or design (if applicable) *These are usually provided by way of a Producer Statement signed by the professional and acceptance will depend on the professionals qualifications, experience, insurance and previous history of similar designs.*
- wall bracing calculations (if applicable)
- truss certificate (if applicable)
- wastewater details complete with the West Coast Regional Council wastewater evaluation form (if applicable)
- An E2 risk matrix (demonstrating weathertightness features) (if applicable)
- Design certificate Record of Work for all residential work unless being done by an owner-builder
- Owner-builder statutory declaration for residential work if being done by an owner-builder
- The applicable deposit

However, if all required information required has not been provided, the applicant or their agent will be advised and the application will be put 'on hold' until the date the required information is received. If this information is not received within 14 days a reminder will be issued to the agent and the owner and if not received after 28 days the application may be rejected.

Solid fuel burners must comply with the national environmental standards for air quality. Further information may be obtained from the Ministry for the Environment website <http://www.mfe.govt.nz> If you are installing a second hand solid fuel burner you also need to provide a copy of a supporting document from a competent person ie an engineer, registered plumber stating that the appliance complies with the applicable standards. Completing the Solid Fuel Burner checksheet will ensure you supply all the required information. Blank supporting documents (BAM 524) and checksheets (BAM 026) are available from our website or from Council offices.

Marquees: If the erection of a marquee is not exempt work it will require a building consent application. Including a completed [BAM 002-T](#) will ensure that you provide all the required information and will also assist in processing.

Demolitions: A consent is only required if the building or part of the building being demolished is not detached (stand alone), or is more than three stories high or is not residential. A resource consent may be required if the building is of historical significance. You should also contact WorkSafe NZ if you suspect hazardous material is part of the project. Even if a consent is not required Council needs to ensure that all related services are capped, sealed or disconnected and that the site is fully cleared and remediated if there were any hazards. Including a completed [BAM 521](#) will ensure that you provide all the required information.

Garages, sleepouts and conversions Accessory buildings such as garages, sheds and sleepouts larger than 10 square metres or closer than their height to a boundary require a building consent. It is also important to contact Council when you may be looking at **changing the use of a building**, as these changes may also require a building consent.

You are advised to also talk to Council's Duty Planner Creating about creating extra accommodation on site as this may not be a permitted activity under the Buller District Plan which limits habitable building (or part buildings) in the Residential and Commercial zones to a maximum of two per site, even if they are not self-contained, and you may also not comply with the maximum site coverage.

Land affected by a natural hazard If you are thinking about carrying out building works it is important to consider any natural hazards that may affect how the project complies with the Building Act 2004 and the New Zealand Building Code. Natural hazards include erosion (including coastal, bank, and sheet erosion), falling debris (including soil, rock, snow, ice); subsidence, inundation (including flooding, overland flow, storm surge, tidal effects, ponding) and slippage.

The Council can refuse to grant a building consent in some circumstances or it can grant consent subject to conditions under Section 72 of the Building Act 2004. For more information on this see our separate information sheet BAM 405 Building on land subject to a Natural Hazard.

Buildings sited across boundaries A building consent cannot be granted for buildings across boundaries unless a certificate has been issued under s.75 of the Act which requires that an entry be recorded on the computer register (formerly known as a certificate of title) and once the certificate has been endorsed none of the affected allotments may be transferred, sold or leased except in conjunction with one another.

Alterations to Existing Buildings (Section 112 of the New Zealand Building Act) If you intend to alter an existing building, you will need to provide sufficient information to show how the building will comply once the work is completed particularly in regard to 'means of escape from fire' and 'access and facilities for people with disabilities'. Your application should detail the level of work that would be required for the building to fully comply with the Building Code and the work that is proposed to be done.

Change of use of Building (Section 115 of the New Zealand Building Act) If you intend to alter the use of a building, you will need to provide sufficient information to satisfy on reasonable grounds that the building will comply, as nearly as is reasonably practicable, with the building code for means of escape from fire, and access and facilities for people with disabilities (if a requirement under section 118 of the NZ Building Act) and the building code in all aspects. A consent may be required in some cases.

Extension of life (Section 116 of the New Zealand Building Act) If you intend to extend the specified life of a building you must obtain written consent from Council.

Subdivision affecting a building (Section 116a of the New Zealand Building Act) Council may not issue a certificate under section 224(f) of the Resource Management Act 1991 for the purpose of subdividing a building or part of a building, unless satisfied, on reasonable grounds that the building will comply as nearly as is reasonably practicable, with every provision of the building code that relates to means of access from fire, access and facilities for persons with disabilities (if required under section 118), protection of other property and will continue to comply with the other provisions of the building code to at least the same extent as it did before the subdivision application was made.

Restricted Building Work Restricted Building Work (RBW) is design and building work that can only be carried out or supervised by a Licenced Building Practitioner (LBP) or Owner/Builder, due to it being critical to the integrity of a residential building. In the context of RBW, design work is the preparation of drawings, specifications or other documents for the purposes of Consent. Registered Architects and Chartered Professional Engineers are automatically treated as LBPs licensed in the design class and can therefore also carry out, supervise or design RBW.

Building work that is RBW can only be carried out or supervised by a person licensed in the relevant trade class or by an Owner/Builder. For example, a person licensed in the carpentry class may also carry out or supervise: the construction of concrete foundations and/or pile foundations and/or the installation of lightweight profiled metal roofing.

What are LBPs? LBPs are designers, carpenters, brick and blocklayers, roofers, external plasterers, site and foundations specialists who have been assessed to be competent to carry out work essential to a residential building's structure or weathertightness.

It is the responsibility of the 'design LBPs' including registered architects or chartered professional engineers, to ensure their Memoranda (Certificates of Design Work) covers all work they have designed. It is the responsibility of the owner to include all Memoranda (Certificates of Design Work) that collectively cover all the RBW, in the consent application.

To find an LBP search the LBP Register at <https://lbp.ewr.govt.nz/publicregister/search>. For more information on LBPs visit www.lbp.govt.nz.

Design work outside the scope of the common New Zealand Standards will be accepted if provided by a Chartered Professional Engineer. Design work provided from any other professional will be accepted at the discretion of Council and will depend on the professionals qualifications, experience, insurance and previous history of similar designs.

Swimming Pools and Spas All pool barriers must comply with the Building (Pools) Amendment Act 2016 to prevent unsupervised access by children under five years of age which includes the requirement to have pools adequately fenced and that all pools must be inspected every three years. Note that safety covers are now able to be used as barriers for spa pools and hot tubs. Further information is available from the [New Pool Safety Legislation](#) on the MBIE website <http://www.mbie.govt.nz>.

How long does it take for an application to be processed? A building consent must be granted and issued within 20 working days unless it is a multi proof consent in which case this is reduced to 10 working days. However, if further information is required the applicant or their agent will be advised and the application will be put 'on hold' until the date the required information is received. If this information

is not received within 14 days a reminder will be issued to the agent and the owner and if not received after 28 days the application may be declined. The consent will not be released until all fees have been paid.

For more information on Multi-proof approvals visit www.building.govt.nz/multiproof

How much does a building consent cost? This varies on the type of work being carried out and is calculated on the following:

- levies payable to the Ministry of Business, Innovation and Employment (MBIE) and Building Research (BRANZ)
- time spent processing the application
- estimated number of Inspections required (type and number vary depending on application) Note that if any additional inspections are required these will be charged and must be paid for prior to a code compliance certificate being issued.
- issue of Code Compliance Certificate
- BCA accreditation levy
- Other costs such as photocopying or fees for lodging title endorsements
- PIM fee (if applicable)
- issue of Compliance Schedule (if applicable)

The Building Research levy (BRANZ) is authorised under the [Building Research Levy Act 1969](#) Under this Act, when a prescribed contract value is exceeded then a percentage of the contract value of the construction project put forward for building consent is payable by the applicant to Building Research. The intent is to provide money for research into improved techniques and materials for use in the building industry.

The Building Levy (MBIE) is authorised under the [Building Act 2004](#) sections 53, 55 and 402, and provides for the Governor-General to set the levy in a Building Levy Order. This levy is used to fund the department's functions under the Building Act 2004. This levy is only collected on building works valued above a prescribed amount as per the [Building Levy Order 2005](#).

Buller District Council does not currently charge a development contribution fee. A [Fees and Charges information sheet](#) is available on our website. A deposit is required to accompany all building consent applications with any additional costs to be paid before the consent is released. A final invoice for will be forwarded to the agent or owner unless their agent as advised at the time of application.

What happens once I lodge my application? When your application is received it will be vetted within one working day to ensure all relevant information has been provided. However, if further information is required the applicant or their agent will be advised and the application will be put 'on hold' until the date the required information is received. If this information is not received within 14 days a reminder will be issued to the agent and the owner and if not received after 28 days the application may not be accepted. The clock starts once the complete application is received.

Applications are then reviewed by the Planners to make sure they comply with the rules in the District Plan such as distances from boundaries, recession planes and the intended use of the building.

If the project does not comply the planners will contact you to discuss any issues and advise if a resource consent is required. The consent may be issued even if resource consent is required but work may not be able to start until the resource consent has been granted.

The building officers then check the application and will grant the consent if they are satisfied on reasonable grounds that the provisions of the Building Act, the Building Code and any other relevant legislation would be met if the building work were properly completed in accordance with the plans and specifications submitted with the application.

Technical building work outside the area of Council's expertise may require peer review and any associated costs are payable by the applicant

Under Section 46 of the Building Act the BCA is required to send certain applications to the Fire Design Review Unit (DRU) for review under the Fire Service Act. Where this occurs FENZ have 10 working day in which to provide their feedback / memorandum to the BCA.

The memorandum issued by the FENZ will set out their advice in regard to provisions for means of escape from fire and the needs of persons who are authorised by law to enter the building to undertake fire-fighting. The applicant will be advised prior to sending an application to the DRU as there will be an additional cost which is payable by the applicant.

Types of applications that are required to be sent are detailed in NZ Gazette Notice. 49. (<https://www.dia.govt.nz>)

What are building consent conditions and endorsements? Conditions may only be imposed in relation to waivers or modifications of the Building Code, consents granted when the land is subject to a natural hazard, if the building work will be sited across boundaries, if the building will have a specified life span of less than 50 years, or that a public building cannot be used unless a code compliance certificate or certificate for public use has been granted. In addition, all consents are granted subject to the condition that officers authorised by the BCA are entitled at all times during normal working hours or while building work is being done to inspect the land on which building work is being or is proposed to be carried out, building work that has been or is being carried out on or off the site, and any other building.

Endorsements are not conditions but provide essential additional information in relation to your consent.

How do I know if my consent has been granted? If compliance has been achieved the building consent will be granted and an invoice forwarded to the owner or agent (emailed if a contact address has been provided) for the outstanding fee. When all fees have been received the consent together with copies of the approved plans and specifications will be emailed to the owner and agent plus one hardcopy of the consent and approved plans and specifications provided.

If the consent has been declined the owner and agent will be advised along with an invoice for the applicable fees.

How long is my Building Consent valid for? Work must commence within 12 months from the date the consent was issued or the Building Consent will lapse and if you wish to carry out the work in the future a new consent application will be required.

All building work should be completed within 2 years from the date that the Building Consent was granted but if the project has been delayed an extension of time may be applied for. Council must make a decision whether to issue a code compliance certificate (CCC) at this time and if building work is not completed or an extension of time has not been granted then the CCC will be refused. However this does not prevent an applicant from requesting inspections after this time or from applying for a CCC in the future.

What if I want to change my plans after the consent has been issued? You need to notify Council of any changes to the approved plans. If the change is minor and doesn't affect compliance with the Building Code it may be possible for the inspector to note this on the on-site plans as a variation and amend Council's records. However, if the change is more significant an application for an amendment is required which may require amended plans.

If your consent was originally issued from 2016 onwards you can apply on-line otherwise, and for all other consents, there is an application form available (**BAM 002-A**) from Council offices in Westport and Reefton and from the Council website to do this. The amendment is treated like a new consent application (with input from the Planners) and processed to ensure the changes will still comply with the New Zealand Building Act, Building Regulations, and Building Code. Once the processing has been completed the fee will be calculated before the amendment documents will be issued.

What inspections will I need? Every building consent is subject to the condition that agents authorised by the building consent authority are entitled, at all times during normal working hours or while building work is being done, to inspect land on which building work is being or is proposed to be carried out; and building work that has been or is being carried out on or off the building site; and any building.

During processing of the Building Consent application Council will determine what inspections will be necessary to enable us to be satisfied on reasonable grounds that compliance will be achieved including any which are to be carried out by an engineer or other nominated person. Each inspection will be identified along with the requirements for that particular inspection on your consent documentation. For further information refer to our [Inspections and Requirements Information Sheet](#).

Inspections by Others Sometimes it is necessary for specialists to conduct inspections in addition to the inspections carried out by Council. If a specialist inspection is necessary you will generally be advised as an endorsement on your consent. Typically, these types of inspections involve having a suitably qualified engineer confirm ground stability, or having an aspect of specific structural design checked by a Chartered Professional Engineer. Inspections to be carried out by any other professional will be accepted at the discretion of Council and acceptance will depend on the professionals qualifications, experience, insurance and previous history of similar designs. In all cases, a construction review statement signed by the professional is required confirming that the inspection has been carried out and approved. Please ensure you read inspection requirements and are familiar with them before commencing work.

How do I book an inspection? To book an inspection contact the customer services staff at Council in either Westport phone 788-9111 or Reefton phone 732-8821. When booking the inspection you need to know the consent number, site address, type of inspection, contact person and phone number, who the LBP is if the work involves restricted building work and the date and time the inspection is required.

Please allow a minimum of 24 hours notice (preferably longer for rural areas) to ensure the inspection can be carried out at a time that is suitable for you.

It is important that the inspector can gain access to the site or into the building to inspect it, so if no-one is available to be on site please arrange access into the building when booking the inspection. We recommend that the lead contractor or their representative be on site for all inspections.

How will I know if the inspection is approved? The inspector will check whether the work complies with the consent documents, record these details and email or notify the owner and nominated agent. Please note that if the consent documentation (Form 5, plans and specifications) are not available on site we will not undertake the inspection but you will still be charged for it.

What if the work does not comply? Extremely minor work may be able to be remedied and approved at the time of inspection. However any other non-compliance will be recorded in an Inspection Notice which will detail the actions that need to be taken. This could include what work needs to be remedied, whether a further inspection will be required, whether an amendment is needed if a major or substantial change has been made or in serious cases whether work must stop immediately. The inspection record will indicate what work, if any, you may carry on with. If the work is not remedied to the satisfaction of the building inspector a Notice to Fix will be issued.

What if building work has been carried out without a consent? The Building Act 2004 allows for any person to apply for a "Certificate of Acceptance" for any building work carried out on or after 1 July 1992 that has been completed without a building consent. To apply for a Certificate of Acceptance, the completed application form must be lodged along with any appropriate plans and specifications and the applicant will need to **make an appointment with a building inspector** in order to lodge the application. A Certificate of Acceptance will be accepted only for the building work that the Buller District Council is willing to assess. Applications forms are available from the Buller District Council or downloaded from www.bullerdc.govt.nz

For any work completed without a building consent prior to 1 July 1992 there is no process available through Council for acceptance or qualification of this work. Where such building work is the subject of a condition for a building report in a sale and purchase agreement, then you are advised to obtain the services of a qualified person from the private sector.

If the application is accepted, a lodgement fee will be calculated as a **deposit only**. This fee is calculated on what the work would have cost if a building consent had been issued for the work carried out including any levies. This requirement is mandatory and the Council cannot exercise any discretion. This fee is not refundable and **not** part of any fees that will be charged for the assessment of the application and/or building work. An inspection will be carried out to assess what the Buller District Council will accept as work compliant to the building code. If there is work that does not comply with the Building Code, or work that cannot be assessed, then the owner may need to engage the services of a chartered professional engineer. Building work that has been identified as needing remediation in order for the work to be compliant will need to be carried out with a building consent.

There are two charges incurred for a Certificate of Acceptance; a **lodgement fee** (paid at the time we accept the application) and a **processing fee**. **Council will not advise the applicant/agent of the outcome of this process until any applicable fees have been paid.**

The Buller District Council may still initiate legal action against the owner and or the person carrying out the work.

What is a notice to fix? A Notice to Fix is a formal notice issued by the Building Control Authority advising that certain works have not been carried out in accordance with the Building Code. If a Notice to Fix is issued, you are required to address the issues identified within a prescribed time frame to prevent further action being taken and there is a fee to pay.

What do I do when the work is completed? Once work is completed you need to contact Council to arrange for a final inspection to confirm that all the work complies with the approved consent documents. and apply for a Code Compliance Certificate (CCC) as soon as practicable. A Code Compliance Certificate is Council's verification that all works undertaken comply with the approved Building Consent. It is an important document and should be retained for future reference.

You can apply for a CCC electronically if you lodged your application electronically or Council is able to provide you with the applicable application form on request.

You must also ensure that any other required documentation is included with this application eg drainage plans, Producer Statements, Records of Work from LBP's, electrical and/or gas certificates etc. The required documents will be identified in the consent documentation.

If any additional fees are required (such as for additional inspections not paid for at the time of application) the applicant will be advised and all costs must be paid before the CCC will be processed.

If further information is required the applicant or their agent will be advised and the application will be put 'on hold' until the date the required information is received. If this information is not received within 14 days a reminder will be issued to the agent and the owner and if not received after 28 days the application may be declined.

Once all required information has been received there is a 20 working day time frame in which Council must decide on reasonable grounds whether the work complies with the building consent and, if a compliance schedule is required, whether the specified systems are capable of performing to the performance standards set out in the building consent. If compliance is achieved a CCC will be issued in conjunction with a compliance schedule if applicable.

What about issuing Code Compliance Certificates for Building Consents issued under the 1991 Act or for consents that were not issued by the Buller District Council? Providing Council is satisfied the building work has been constructed to comply with the Building Code in place at the time of construction and has continued to meet the provisions of the Building Code, a Code Compliance Certificate may be considered. A modification in relation to durability may be applied to the CCC if a significant period of time has lapsed since the consent was issued.

If Council cannot be satisfied on reasonable grounds that the work complies with the approved consent documents then a Code Compliance Certificate will be refused.

What is meant by a 'household unit'? A household unit is a building or group of buildings intended to be used mainly for residential purposes and by one household (e.g., house, apartment or flat). It does not include a hostel or boarding house.

Queries and Complaints A customer has a right to appeal or to complain about any building function the Buller District Council undertakes; have this heard and resolved. Complaints provide feedback about service experience and give us the opportunity to improve our performance.

Complaints may be made in person, by phone or fax, email or in writing, and must include what the complaint is about, the address if relevant, whether a complaint has been made previously, what action you would like to happen, a contact name and preferably a contact address. The contact details are required so a staff member can advise you about what has happened and any action taken. Generally anonymous complaints will not be acted upon unless they relate to possible health and safety risks. Complaints that are in relation to possible health and safety risks will be investigated as soon as possible.

All complaints will be treated in confidence (your name will not be released under any circumstances) but if they relate to a staff member or any other individual the Council will also seek and consider their input before considering any action to be taken.

Complaints are recorded in a service request system and emailed to the appropriate department unless they concern a staff member in which case the complaint will be forwarded on to the relevant team leader or manager.

The Department Manager has the responsibility to ensure a satisfactory resolution of complaints but if you don't believe that your complaint has been dealt with satisfactorily the Chief Executive has the ultimate responsibility for dealing with complaints if they have not been able to be resolved.

If you are still unhappy or choose to use an alternative route to settle a matter of doubt or dispute about a building control function you may apply to MBIE for a Determination. Visit www.building.govt.nz for further information on this service.

A building control function is defined as a complaint about:

- meeting statutory time frames
- lodgement or vetting of Building Consent applications
- failure to meet legislative or Building Code requirements
- issuing Compliance Schedule
- failure to provide appropriate information or advice
- processing of Building Consent applications
- inspection of work under construction
- issuing of Code Compliance Certificates
- fees and charges
- issuing of a Notice to Fix

Commercial and industrial properties

Section 363 public premises: If your building is open to the public, whether for free or payment of a charge, the building cannot be used or occupied until a Code Compliance Certificate is issued, if a Building Consent has been issued for part or whole of the premises.

This is because public premises will generally have systems within the building which contribute to life safety and well-being of the building user. (These systems are called specified systems).

In certain circumstances it may be possible to apply for a Certificate for Public Use, which will allow a building to be used before the Code Compliance Certificate issued. Each application will be considered on a case-by-case basis. However, a Certificate of Public Use is not intended as an interim signoff on the building and should not be used as a substitute for a Code Compliance Certificate.

What is a Compliance Schedule? A Compliance Schedule is a document issued by the Building Consent Authority for commercial buildings that contain specified systems such as fire alarms, automatic doors, emergency lighting (or residential dwellings if they have a cable car attached) that need to operate effectively to ensure a building is safe and healthy for members of the public to enter, occupy or work in.

A Compliance Schedule lists the systems and features, including the inspection, maintenance and reporting procedures needed to keep them in good working order. A Compliance Schedule must be kept on site and made available to building officers, Independent Qualified Persons (IQP's) and authorised agents.

Further information about compliance schedules can be found on the MBIE website, [Managing Buildings](#) and in the [Compliance Schedule Handbook](#).

How do I obtain a Compliance Schedule? Details about any specified systems must be provided by the applicant at the same time a Building Consent application is made and a new compliance schedule will be issued in conjunction with the Code Compliance Certificate if a new building has one or more specified systems. If an existing building has a Compliance Schedule and if during alteration an existing specified system is removed or new systems are installed then the Compliance Schedule will be amended and a copy of this amended schedule will be issued with the Code Compliance Certificate.

What information do I need if I am applying for a Compliance Schedule? Your designer should provide you with information relating to the performance standards for each specified system contained within the building at the time of application for a Building Consent. These performance standards are required to identify the inspection, maintenance and reporting procedures required for each system.

What is a Compliance Schedule statement? A Compliance Schedule statement is issued at the same time as the Code Compliance Certificate by the Building Consent authority and lists the specified systems within the building. It must be replaced in 12 months with a building warrant of fitness, which is issued by either the building owner or their IQP.

What is an IQP (Independent Qualified Person)? An Independent Qualified Person (IQP) is recognised by Council as a person qualified to carry out any performance inspection, maintenance, reporting or recommendation on specified systems. IQP's within the Buller District will only be accepted if they are listed on the South Island IQP register for the applicable system. <https://www.timaru.govt.nz/services/building/independent-qualified-persons>

What is a Building Warrant of Fitness? (BWOFF) A building warrant of fitness (Form 12) is a statement issued by the building owner to Council stating that the requirements of the Compliance Schedule have been fully met.

The building warrant of fitness must have attached to it all certificates of compliance issued by the Independent Qualified Persons (IQP). These documents must be issued in the prescribed form (Form 12A) and certify that the inspection, maintenance and reporting procedures stated in the Compliance Schedule have been fully complied with during the previous 12 months.

The BWOFF and current Form 12A must be provided to Council on or before the anniversary of the issue of the Compliance Schedule (every 12 months) for the life of the building.

What documents should I keep regarding the Building Warrant of Fitness? You are legally required to obtain written reports relating to the inspection, maintenance and reporting procedures of the Compliance Schedule. These should be signed by the Independent Qualified Persons (IQP) who has carried out any of the listed procedures (inspection, maintenance or reporting). You must also record any inspections carried by the owner or their representative such as daily or weekly inspections ensuring that means of escape are kept clear.

You are required to keep all reports for a period of 2 years and produce these for inspection when required.

Can I be prosecuted for not obtaining a Compliance Schedule or if my Building Warrant of Fitness has expired? Yes, depending on the alleged offence you could be issued with an infringement notice with fees ranging from \$250 - \$1,000 or prosecution in the Court with fines ranging from \$20,000 to a maximum of \$200,000.

You can find out more about compliance schedules, warrants of fitness and IQP's on the MBIE website www.building.govt.nz