

How building work is certified

The purpose of this document is to provide information on how building work is certified.

What is a code compliance certificate (CCC)?

A code compliance certificate (CCC) is a formal statement issued under section 95 of the Building Act 2004. Council issues this certificate, which confirms that all work has been completed in accordance with the building consent issued for your project. It is issued after the successful completion of a final inspection. A code compliance certificate is necessary to confirm that all building work carried out under a building consent is completed, but also for completing a successful sales and purchase agreement and for insurance purposes.

If your building is open to the public, whether for free or payment or a charge, the building cannot be used / occupied until a code compliance certificate is issued.

It is an offence:

- To use or permit the use of public premises, which are the subject of a building consent unless a CCC or certificate for public use has been issued;
- For a residential property developer to transfer (complete the sale) a household unit without a CCC.

Is there a time limit on applying for a code compliance certificate?

Yes, if an application for CCC has not been made within 2 years of the date that the building consent was granted, or any further period agreed between the owner and the building consent authority (BCA), the BCA must make a decision whether to issue the code compliance certificate.

How do I apply for a code compliance certificate (CCC)?

At the end of the project and after all inspections have been completed, you must apply for the code compliance certificate in the prescribed form. An application form is included in the inspection booklet provided when your consent was issued. Alternatively, one may be downloaded from the council website at www.aucklandcouncil.govt.nz or obtained from your local council service centre.

When you apply for your CCC, you will need to provide some relevant documentation as outlined in the 'Application for code compliance certificate'.

These documents include:

- Producer statements
- Energy certificates
- Warranty certificates
- Installers certificates

Outstanding fees (if any) must be paid in full before the CCC will be issued; this includes payment of development contributions if applicable and any additional inspection fees.

The Durability Team are responsible for assessing all historic applications for CCC. An historic application is one issued prior to 31 March 2005; this assessment is focused on B2 Durability.

What is B2 Durability and why is this an issue?

B2 Durability is one of the most important technical clauses referred to in the Building Code and relates to the durability of building elements. It aims to ensure that a building will throughout its life continue to satisfy the other objectives of the Building Code with normal maintenance.

Normal maintenance is defined as work that is necessary to achieve the expected durability for a given building element. The extent and nature of that maintenance will depend on the material, or system, its geographical location and position within the building. It can also involve the replacement of components subject to accelerated wear.

The Act requires that a code compliance certificate is issued or refused when all building work is completed. In order to obtain a code compliance certificate, compliance with the Building Code must be demonstrated to the satisfaction of the Territorial Authority (Council). Compliance means that the building work meets all provisions of the Building Code now and for the foreseeable future. Foreseeable future specifically relates to clause B2 Durability.

How long will it take to get a code compliance certificate?

Applications processed under the Building Act 2004:

- 20 working days
- However, the 'clock' stops if further information is required or there are any outstanding fees; the clock will restart when the issue has been resolved.

Applications processed under the Building Act 1991:

- Although we will endeavour to process the application within 20 working days, no time limit applies to these applications.

When is a compliance schedule issued?

A compliance schedule is issued at the same time as the code compliance certificate.

What is a compliance schedule?

A compliance schedule is an inventory of specified systems contained within a building; the schedule specifies the performance standards required:

- inspection, testing and maintenance procedures
- the frequency of inspections, and
- who should perform those inspections

What is a specified system?

A specified system is a system or feature that is contained within a building for the primary purpose of maintaining health or life safety of building users i.e. fire alarm, sprinkler, mechanical ventilation system, etc. Where one or more of these systems exist in a building, a compliance schedule is required.

Requirements for specified systems are set out in the 1st Schedule 1 of the Regulations 2005/032.

What is a performance standard?

The performance standard is the New Zealand Building Code. Compliance with the Building Code is normally achieved by referring to a compliance document or relevant standards. For example the performance standard for sprinkler systems is NZS4541:2003. A section of this standard specifies what the maintenance, inspecting and reporting regime is for sprinklers.

Performance standards for inspection maintenance and reporting procedures will generally be nominated in the compliance schedule by reference to:

- a) an acceptable solution or verification method
- b) a compliance document (a document used for establishing compliance with the Building Code)
- c) a building method or product (product certification)

How do I apply for a compliance schedule?

A compliance schedule is applied for at time of application for building consent. Documentation is required to identify the type of system being installed, and state how and where it will be used, and to what performance standards it is intended to be maintained to. It is recommended that drawing(s) are provided on project completion showing the general location of all specified systems contained within the building. This ensures that a correct and accurate record exists and assists Independent Qualified Person (IQP) / Licensed Building Practitioner (LBPs) can determine whether all features have been properly inspected, maintained.

When is a compliance schedule issued?

A compliance schedule is issued at the same time as the code compliance certificate; along with a compliance schedule statement. Note that it is an offence to use or occupy public premises which have not had a code compliance certificate issued unless a certificate for public use has been issued.

What is a certificate for public use?

If your building is open to the public, whether for free or payment of a charge, the building can not be used / occupied until a code compliance certificate is issued. This is because public premises will generally have systems within the building which contribute to life safety and well-being of the building user.

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 is granted. Each application will be considered on a case-by-case basis.

What are public premises?

Any building which is open to the public whether for free or payment of a charge, including:

- shopping malls
- cinemas
- maraes
- camping grounds
- commercial garages and workshops
- funeral homes
- office / retail complexes
- rest homes, etc

Sales by residential property developers

Section 364 of the Building Act 2004 introduces important consumer protection measures covering the sale of household units by residential property developers or 'spec' builders. People buying a residential property from a developer have a right to expect it to be completed and to comply with the Building Code. The onus for making sure a building complies with the Building Code is on developers because they have control of the building process.

It is an offence for a residential property developer to complete the sale, or allow a purchaser to take possession of, a household unit before a code compliance certificate has been issued.

Effectively, this makes it the developer's responsibility to fix any faults before sale. A person who commits an offence under section 364 is liable to a fine of up to \$200,000. This fine applies to each household unit sold without a code compliance certificate. So, if a development included five units and each unit was sold without a code compliance certificate, the developer is liable for a fine of up to \$1 million.

What does the term 'household unit' mean?

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.

What does 'complete the sale' mean?

The term 'complete the sale' means accepting final payment and transferring the title.