

Purpose of this guidance information

The purpose of this guidance information is to help building owners and managers of commercial, industrial or communal (public use) buildings understand their responsibilities under the Building Act 2004 as they relate to compliance schedules and building warrants of fitness.

Residential properties do not require a compliance schedule, unless it has a cable car installed.

Legislative requirements

The Building Act 2004 (the Act) outlines Council's responsibilities in respect to enforcing the provisions of the Act and promoting and protecting the public's health and safety. Council's role is to educate, monitor and work with building owners, managers and independent qualified persons (IQPs) to ensure that the purposes and principles of the Act are achieved.

Section 7

Plans and specifications mean the drawings, specifications, and other personal documents according to which a building is proposed to be constructed, altered, demolished or removed; and includes the: -

- specified systems that the application for building consent considers will be required to be included in the compliance schedule under section 100; and
- the proposed procedures for inspection and routine maintenance for the purposes of the compliance schedule for those specified systems

Section 45.1 (g)

An application for a building consent must be accompanied by either one of the following:

- if a compliance schedule is required as a result of the building work, a list of all specified systems for the building; or
- if an amendment to an existing compliance schedule is required as a result of the building work, a list of all specified systems that are being: -
 - altered in the course of the building work
 - added to the building in the course of the building work
 - removed from the building in the course of the building work

Section 51.1(c and d)

A building consent or an amendment to a building consent, must state:

- the specified systems that are covered by the compliance schedule, and
- the performance standards for the specified systems that are required by the Building Code

Specified systems

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.

Requirements for specified systems are set out in the 1st Schedule of the 2005/032 Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005. Where one or more of these systems exist in a building, a compliance schedule is required.

Please refer to the list of specified systems attached to this document.

What is a compliance schedule?

A compliance schedule is an inventory or list of specified systems, contained within a building and states the performance standards which must be met:

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

What is a performance standard?

The level of performance a specified system is intended to meet, and continue to meet, at the time it was designed and installed in a building.

Compliance with the Building Code is normally achieved by referring to an acceptable solution or a verification method. For example, the performance standard for sprinkler systems is NZS 4541:2013. This standard specifies what the maintenance, inspection and reporting regime is for sprinkler systems.

How do I apply for a compliance schedule?

Information relating to specified systems is usually submitted as part of your Form 2 Application for a Building Consent. Documentation must accompany the application, identifying the type of system being installed.

Documentation must state what type of specified system is being installed; where the system is located; and the name and year of the performance standard that the system will be maintained, inspected and reported against.

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 the IQP to 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.

The compliance schedule is issued by Council, when it is satisfied that all specified systems are operational.

What is a compliance schedule statement?

When the compliance schedule is issued, a compliance schedule statement is also issued. The compliance schedule statement must be kept and displayed in a visible location such as the lobby or reception area of the building. Council must agree to the location of the statement. The compliance schedule statement states the specified system(s) on the compliance schedule and where the compliance schedule is kept.

The compliance schedule statement is valid for the first year and must be replaced by a Building Warrant of Fitness (BWF) on, or before the anniversary date of the issue of the compliance schedule.

If an interim compliance schedule is issued, this will be replaced by a final compliance schedule when the building work is complete and the CCC is issued. However, the compliance schedule is effective from the date that the interim compliance schedule was issued, (i.e. if an interim compliance schedule was issued with a CPU, the date of the compliance schedule that is attached to the CCC will be the same as the date of the CPU) as systems will already have commenced their maintenance, inspection and reporting regimes.

The compliance schedule statement is issued by Council.

Can I have more than one compliance schedule for multiple tenancies?

Yes; where a building consent application relates to multiple tenancies, which comprises several blocks of shops or units, it may be more appropriate to issue one compliance schedule for each block of shops / units, within the complex. For this scenario to apply, it will depend on the extent and scope of the specified systems installed e.g. if there is one sprinkler system or one alarm system that spans multiple tenancies, a single compliance schedule can be issued for that particular block.

Where there are multiple tenancies, the applicant should advise the preferred option so that compliance schedules can be prepared accordingly. Where multiple compliance schedules are prepared, each one must have its own unique number.

What is a Building Warrant of Fitness (BWOFF)?

A Building Warrant of Fitness (BWOFF) is a certificate issued by the building owner confirming that all of the specified systems contained within the building have been inspected and maintained and are performing in accordance with the compliance schedule. A BWOFF verifies that the inspection, maintenance and reporting procedures for all the specified systems within a building have been carried out in accordance with the compliance schedule for the previous 12 months.

Who is responsible for issuing the Building Warrant of Fitness (BWOFF)?

Issuing of the BWOFF certificate is the owner's responsibility; this document must be issued annually. The owner is required to display a copy of the BWOFF certificate in a visible location in the building where it can be seen and to which the public have access.

In summary every year the building owner is required to:

- Issue a BWOFF
- Display a copy of the BWOFF certificate (Form 12) in a visible location
- Provide Council with a copy of the BWOFF and IQP Certificates (Form 12A)

How is the Building Warrant of Fitness (BWOFF) issued?

The building owner or the owner's agent issues a Building Warrant of Fitness (BWOFF) on a Form 12 prescribed by Building Forms Regulations 2004. A BWOFF certificate is issued for a 12-month period, which coincides with the date that the compliance schedule was issued.

The BWOFF is required to:

- state that the requirements of the compliance schedule have been satisfied
- be signed by the building owner or their agent
- state where the compliance schedule and any associated certificates or reports (Form 12a) will be located

The building owner must attach copies of all Form 12a certificates together with any recommendations and forward these to the Council.

What is a Form 12a certificate?

This is the certificate issued by the independent qualified person (IQP) verifying that the inspection, maintenance and reporting procedures set out on the compliance schedule have been undertaken. The IQP must attach to this form any other supporting documentation confirming compliance i.e. such as certificates of compliance, certificates of completion or producer statements for construction and construction review.

It is recommended that drawing(s) are provided on project completion showing the general location of all of the specified systems contained in the building. This ensures that a correct and accurate record exists for all systems and assists IQPs to determine whether all features have been properly inspected, maintained and reported on.

Who or what is an IQP?

This is a person identified by the Council as being a person qualified to carry out any performance inspection, maintenance and reporting on a particular system or feature. IQPs (or IQP compliance companies) are employed by the building owner but must have the approval of the Council to undertake the work.

The Council will assess the IQP to ascertain that they are appropriately qualified to undertake the work performed. (A fee may be charged for this assessment). 'Independent' means that the IQP has no financial interest in the building that they are auditing.

Getting professional help

You cannot issue a BWOFF certificate without getting the necessary checks completed and obtaining a certificate (known as a Form 12A) signed off. You can use an IQP compliance company to act as your agent to help sort out all the paperwork. They can co-ordinate all specialist IQP inspections required for each of the specified systems in your building, collect the paperwork and issue the BWOFF as well as deal with the Council for you.

Tenants and the owner

The building owner's responsibilities are clear, whether or not the building is tenanted. A building owner may delegate his / her responsibility to a tenant. But this does not alleviate the owner from liability if the tenant fails to fulfil obligations. A building owner or anyone acting on the building owner's behalf in signing a BWOFF may be liable if they make a false or misleading statement in the BWOFF.

Council inspections

The territorial authority is entitled to inspect a building and the specified systems in the building and may charge a fee (section 111).

- (3). inspection means the taking of all reasonable steps to ensure that:
- a. an annual building warrant of fitness supplied under section 108 is correct; and
 - b. every report under section 110 is correct

Penalties

The Building Act 2004 contains a number of provisions to protect public health and safety that are important for building owners and managers. There is a range of penalties for failing to comply with these provisions:

- If a person is the owner of a building for which a compliance schedule has been obtained, they are liable for a fine of up to \$20,000 with a further fine of \$2,000 for each day the offence is continued;
- Building owners can be fined up to \$20,000 for failing to display a Building Warrant of Fitness, or displaying a false or misleading Building Warrant of Fitness;
- Building owners who fail to give written notice of a change of use commit an offence and are liable to a maximum fine of \$5,000;
- It is also an offence carrying a fine of up to \$100,000 to use or permit the use of a building, which is not safe or sanitary, or if it has inadequate means of escape from fire.

The following forms apply to the Compliance Schedule and Building Warrant of Fitness regime

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| Form 10 | Compliance schedule statement form (issued by territorial authority) |
| Form 11 | Application to amend a compliance schedule |
| Form 12 | Building Warrant of Fitness (issued by owner or owner's agent) |
| Form 12a | Certificate of compliance with inspection, maintenance and reporting procedures (issued by IQP) |

Forms 11 and 12 contain requirements to state the buildings current lawfully established use and the building occupant load. This information may be sourced from the building consent application form held by Council. Note the description of the building use should be clearly stated. For example: an office building containing retail space should be called "office and retail" not commercial.

What is a code compliance certificate?

A code compliance certificate is a certificate issued by Council confirming that all building work complies and has been completed in accordance with the building consent.

What is a certificate of acceptance (COA)?

A certificate of acceptance is a certificate issued for work which has been constructed without a building consent where a building consent was not obtained. If the unauthorised work includes specified systems, then the applicant must also apply for a compliance schedule.

What is a certificate for public use (CPU)?

A certificate issued by Council confirming that public premises are safe to use. This certificate is issued when there is a need to open or use public premises that are still under construction, and that have not yet been completed to a stage that a code compliance certificate can be issued.

If a building is opened before the code compliance certificate is issued, a compliance schedule can be issued. This ensures that the specified systems are inspected, maintained and reported on for the duration of the CPU. The key consideration when issuing a certificate for public use is whether members of the public can safely use the building or part thereof under a certificate for public use.

Non-testable backflow prevention devices

Non-testable backflow devices **must** be included in the compliance schedule; the testing and reporting regime should reflect the type of device installed

- There is a verification test in G12/AS1 for atmospheric vacuum breakers;
- Other non-testable backflow devices such as dual check valve assemblies should have an appropriate visual inspection and be replaced every two years

Specified systems

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| 1 | Automatic systems for fire suppression |
| 1.1 | Sprinkler system |
| 1.2 | Gas and foam flood or deluge systems: dry and wet fire extinguishing systems |
| 2 | Automatic or manual emergency warning systems for fire or other dangers |
| 2.1 | Manual and automatic fire alarms: smoke /heat detectors: gas: radiation systems |
| 2.2 | Automatic gas leak detection systems for the detection and measurement of combustible gases |
| 3 | Electromagnetic or automatic doors or windows |
| 3.1 | Automatic doors e.g. sliding or revolving doors <ul style="list-style-type: none"> • Are any of the doors interfaced with emergency warning systems? |
| 3.2 | Access controlled doors (swipe card, keypad, sensor-delayed egress, etc |
| 3.3 | Interfaced fire or smoke door or windows (electromagnetic door holders) |
| 4 | Emergency lighting systems |
| 5 | Escape route pressurisation systems |
| 6 | Riser mains for use by fire services |
| 7 | Automatic back-flow preventers connected to a potable water supply |
| 8 | Lifts, escalators, travelators, or other systems for moving people or goods within a building |
| 8.1 | Passenger carrying lifts |
| 8.2 | Goods or service lifts |
| 8.3 | Escalators and moving walks |
| 9 | Mechanical ventilation or air conditioning systems |
| 10 | Building maintenance units or other devices providing access to the interior / exterior of a building |
| 11 | Laboratory fume cupboards |
| 12 | Audio loops or other assistive listening systems |
| 12.1 | Audio loop |
| 12.2 | FM radio frequency systems and infrared beam transmission |
| 13 | Smoke control systems |
| 13.1 | Mechanical smoke control systems |
| 13.2 | Natural smoke control systems |

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| 13.3 | Smoke curtains |
| 14 | Emergency power systems for, or signs relating to, a system or feature in any of the specified systems 1–13 |
| 14.1 | Emergency power systems installed for the purpose of supplying power to any of the specified systems 1 - 13 |
| 14.2 | Signs for all systems |
| 15 | Any or all of the following systems and features, so long as they form part of a building's means of escape from fire, and so long as those means also contain any or all of the systems or features specified in clauses 1 to 6, 9 and 13: |
| 15a | System for communicating spoken information intended to facilitate evacuation |
| 15b | Final exits |
| 15c | Fire separation |
| 15d | Signs for communicating information intended to facilitate evacuation: and such signs as required by: <ul style="list-style-type: none"> • NZBC (all systems):and • S.120 of the Act |
| 15e | Smoke separation |
| 16 | Cable cars |