

Rules relating to use/occupancy of public premises

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Public premises

Rules relating to use/occupancy of public premises

If your building is open to the public, whether for free or at a cost, the building cannot 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 the 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 is granted. Each application will be considered on a case-by-case basis.

- riser mains for use by fire services
- automatic back-flow preventers connected to a potable water supply
- lifts, escalators, travelators, or other systems for moving people or goods within buildings
- mechanical ventilation or air conditioning systems
- building maintenance units providing access to exterior and interior walls of buildings
- laboratory fume cupboards
- audio loops or other assistive listening systems
- smoke control systems
- emergency power systems for, or signs relating to, a system or feature specified for any of the above

What are public premises?

Any building which is open to the public whether for free or at a cost, including:

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

What are specified systems?

Specified systems include:

- automatic systems for fire suppression
- automatic or manual emergency warning systems for fire or other dangers
- electromagnetic or automatic doors or windows
- emergency lighting systems

What is a compliance schedule?

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 (IQPs), Licensed Building Practitioners (LBPs) and authorised agents.

From 31 March 2008, a single household unit will require a compliance schedule, if it contains a cable car or is serviced by a cable car.

What is a compliance schedule statement?

A compliance schedule statement is issued by the building consent authority and serves as temporary notification of compliance schedule requirements. It will list the inspection, maintenance and reporting procedures necessary to keep the specified systems in good working order. It is issued at the same

time as the Code Compliance Certificate. It must be replaced in 12 months with a Building Warrant of Fitness, which is issued by the building owner.

How do I obtain a compliance schedule?

A compliance schedule must be applied for at the same time a building consent application is made. The compliance schedule is issued with a Code Compliance Certificate by the building consent authority for:

- new buildings (if the building has one or more specified systems), or
- an upgrade to an existing building or systems, required as a result of a change of use or alterations, which may also require a building consent.

What information do I need if I am applying for a compliance schedule?

Your architect / designer should provide you with information relating to the performance standards for each specified system contained within the building. The performance standards will identify the inspection, maintenance and reporting procedures required for each system.

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 the fine ranges from \$20,000 to a maximum of \$200,000.

What is an Independent Qualified Person (IQP) / Licensed Building Practitioner (LBP)?

An IQP or LBP is a tradesperson who is qualified to carry out any performance inspection, maintenance, reporting or recommendation on a specified system.

All IQPs are required to be registered with Council.

The Licensed Building Practitioner programme will begin in November 2009. Approval and registration of LBPs will be maintained by the Department of Building and Housing. A register will be maintained in accordance with the Building Act to help the public:

- determine if a person is qualified
- choose an appropriate LBP, and
- identify which LBPs have been disciplined within the last 3 years.

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 (BWOFF) must have attached to it all certificates of compliance issued by the IQP or LBP. 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 must be re-issued to Council on 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 which must be signed by the IQP or LBP who has carried out any of the listed procedures, (inspection, maintenance or reporting).

You are required to keep all reports together with the compliance schedule for a period of 2 years and produce those reports for inspection when required.