

## **Information for Building Owners and their agents (eg IQPs) - updating a building's compliance schedule**

Amendments to the Building Act 2004 (the Act)<sup>1</sup> came into force on 13 March 2012 and include a number of changes to the compliance schedule and Building Warrant of Fitness process.

This letter sets out the most significant changes, which relate to the requirement for owners to amend compliance schedules before the next anniversary of the compliance schedule. Other notable changes are also outlined below.

### ***What are the main changes?***

There are two main changes which directly relate to each other.

1. The Act has been amended to make it clear that compliance schedules must be updated to remain consistent with the Act and regulations when they change. More specifically, an owner must apply for an amendment to their compliance schedule:
  - as a result of an amendment to the Act or any regulation made under it, where the compliance schedule no longer complies with the requirement of this Act or any regulation made under it; or
  - where it contains information that is no longer required under this Act or any regulations made under it (106(2)(b) of the Act).
2. The Amendment Act makes two changes to compliance schedule content which all compliance schedules will need to align with as per the above new requirement, these are:
  - compliance schedules must have a description of each specified system in the building, including the type and (if known) make of each specified system (section 103(a) of the Act). See pages 14 and 17 of the Compliance Schedule Handbook for guidance on system descriptions at [www.dbh.govt.nz/publications-about-the-building-act-2004#cs-handbook](http://www.dbh.govt.nz/publications-about-the-building-act-2004#cs-handbook);
  - Section 103(1)(d) has been removed making it clear that “passive features” are not required to be listed on the compliance schedule and do not require ongoing inspection and maintenance under the compliance schedule regime (except where specifically listed as a specified system in regulations). Passive features include means of escape from fire, safety barriers, handheld hose reels, signs required by the building code and means of access and facilities for use by persons with disabilities. If passive features were listed on a compliance schedule, owners should apply to have these removed for clarity.

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<sup>1</sup> The Act is amended by the Building Amendment Act 2012.

### ***What does this mean for my compliance schedule?***

You (or your agent) will need to apply to have your compliance schedule amended if one or more of the following is true:

- the compliance schedule includes systems or features that are not specified systems (as defined in the Act and listed in regulations) – this means any systems or features that were listed in section 103(1)(d) (before the act was amended), or any Building Act 1991 systems (that are not cable cars or not listed in regulations) need to be removed
- the building contains specified systems that are not listed in the compliance schedule – these systems will need to be added to the compliance schedule (this has always been a requirement)
- the specified systems covered by the compliance schedule do not have a system description – a system description, including the type and (if known) make of each specified system, will need to be included in the compliance schedule

Ideally, when updating compliance schedules building owners should include information about the location of the specified systems as part of the system description to ensure that people employed to test the system (Independently Qualified Persons) know where the systems are. However, this is not a requirement of the Act.

### ***When must I apply to amend the compliance schedule?***

You (or your agent) must apply to have your compliance schedule amended before the building's compliance schedule anniversary (eg when the building warrant of fitness is due)

### ***What happens where I don't have any or much time to comply?***

You should comply with the requirements to amend their compliance schedule as soon as possible. However, for some building owners, the compliance schedule anniversary, and thus the requirement to update their compliance schedule, may be in close proximity to when the amendments to the Act came into force (many compliance schedules have an anniversary in the April – May period).

It may take a couple of months for you to update your compliance schedule as you will need to provide descriptions for the specified systems and consult with relevant experts where this information is missing

The Department is recommending to councils to not take enforcement action (eg issuing a notice to fix) until the building owner has had a reasonable amount of time to make the changes. The aim of the anniversary provision is to make sure that over a period of a year all compliance schedules are up to date.

***Do these changes mean buildings and systems need to be upgraded?***

No. This is not an upgrade process requiring systems included in compliance schedules to be upgraded or new systems to be added that were not originally required.

The purpose of this change is to ensure all specified systems in a building are listed on the compliance schedule with appropriate performance standards and inspection and maintenance procedures. ***For some building owners their compliance schedules will already meet these requirements.***

***What information is required for the specified system description?***

Section 103(1)(a) of the Act states that a compliance schedule must “state and describe each of the specified systems covered by the compliance schedule, including a statement of the type and (if known) make of each specified system;”

The intention behind this provision is to ensure there is sufficient information about the specified system to ensure the inspection and maintenance procedures are carried out correctly and completely.

The specified system ‘type’ can be seen as a sub-category of the specified system as listed in regulations. For example the Building (Specified system, Change the use, and earthquake-prone buildings) Regulations 2005 include the specified system “Automatic or manual emergency warning systems for fire or other dangers (other than a warning system for fire that is entirely within a household unit and serves only that unit).” An example of a sub-category of this would be a “Type 4 alarm system in accordance with the acceptable solution C/AS1”.

The ‘make’ of the specified system can be seen as the manufacturer/model of the system. This information is only required to be included if it is known.

Ideally, the system description would include information about the location of the specified systems as part of the system description to ensure that people employed to test the system (Independently Qualified Persons) know where the systems are. However, this is not a requirement of the Act.

See pages 14 and 17 of the Compliance Schedule Handbook for guidance on system descriptions at [www.dbh.govt.nz/publications-about-the-building-act-2004#cs-handbook](http://www.dbh.govt.nz/publications-about-the-building-act-2004#cs-handbook));

***How do I find information about the specified systems in my building?***

The building consent documentation provided as part of the building consent application should specify details about the system installed. This is available from the relevant council. Where there is no such information available for the system (e.g. it is an old system and records may have been destroyed) an

expert (eg the IQP who has been inspecting the system) should be employed to determine the system description.

***Will it cost to apply for an amended compliance schedule?***

Yes, territorial authorities can charge for the amendment to the compliance schedule as per section 219 of the Act. Fees are set by each territorial authority.

**Information for cable car owners**

The Act has also been amended by allowing a cable car that services 1 or more buildings to have only one compliance schedule for the cable car. Owners affected by this change do not have to update their compliance schedule but can choose to do so.