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|  <p>South Waikato District Council</p> | <h2 style="margin: 0;">Compliance Schedule and Building Warrant of Fitness Information Sheet</h2> | Ref: TF 02 |
| | | Version 01 |
| | | Date Issued: 25/02/12 |
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PURPOSE OF THE IS 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 warrant of fitness. If a residential property has a cable car installed, a compliance schedule will be required.

LEGISLATIVE REQUIREMENTS

The Building Act 2004 also outlines Council's responsibilities in enforcing the provisions of the Act to promote and protect public health and safety. Council's role is to educate, monitor and work with building owners and managers to ensure that the purposes and principles of the Building Act 2004 are achieved.

Section 7

Plans and specifications means 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 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 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

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 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



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SPECIFIED SYSTEMS


A specified system is a system or feature that is contained within a building for the primary purpose of maintaining a 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 of use, and earthquake prone buildings) Regulation 2005. Where one or more of these systems exist in a building, a compliance schedule is required and falls into the following categories.

| SPECIFIED SYSTEMS | |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SS1 | Automatic systems for fire suppression (water, gas, aerosol, etc) |
| SS2 | Automatic or manual emergency warning systems (gas detection systems, fire alarms) |
| SS3 | Electromagnetic or automatic doors or windows (sliding or revolving doors, fire doors or access controlled security doors) |
| SS4 | Emergency lighting systems |
| SS5 | Escape route pressurisation systems (mechanical ventilation systems and dampers) |
| SS6 | Riser mains for use by fire services (wet and dry risers, hydrants, pumps, etc) |
| SS7 | Automatic back-flow preventers |
| SS8 | Lifts, escalators, travelators, or other systems for moving people or goods within buildings (passenger or service lifts, hoists, stacking systems, dumb-waiters, etc) |
| SS9 | Mechanical ventilation or air conditioning systems |
| SS10 | Building maintenance units |
| SS11 | Laboratory fume cupboards |
| SS12 | Audio loops or other assistive listening device |
| SS13 | Smoke control systems |
| SS14 | Emergency power systems for signs relating to a system or feature specified in any of the clauses SS1 – SS13 |
| SS15 | Other fire safety systems or features – signs (signs indicating potable water supply, lift ratings, deafness, facilitating the evacuation of a building, hazardous substances, etc) |
| SS16 | Cable cars |

Some property owners may have systems or features on the compliance schedule which were listed under the previous Building Act 1991 like hose reels and safety barriers that require monitoring.

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| SS17 | <ul style="list-style-type: none"> Safety barriers Means of access and facilities for use by persons with disabilities (section 118 of the Building Act 2004) Hand-held hose reels for fire-fighting Any signs that are required by section 120 of the Building Act 2004 |
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WHAT IS A COMPLIANCE SCHEDULE?

A compliance schedule is an inventory of a building's specified systems issued by Council; the schedule specifies the performance standards which must be met:

- Inspection, testing and maintenance procedures
- The frequency of inspections, and
- Who should perform those inspections

WHAT IS A PERFORMANCE STANDARD?

The performance standard is the New Zealand Building Code. Compliance with Building Code is normally achieved by referring to a compliance document or relevant standards. For example, the performance standard for sprinkler systems is NZS 4541:2003. 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:

- An acceptable solution or verification method
- A compliance document (this is a document used to establish compliance with the Building Code)
- A building method or product (product certification)

HOW DO I APPLY FOR A COMPLIANCE SCHEDULE?

A compliance schedule is generally applied for at time of application for building consent. Documentation is required to identify the type of system being installed. Documentation must state what type of specified system is being installed; where the system is located, and the performance standards that the system will be inspected, maintained and reported 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 Practitioners (LBPs) to quickly 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 of public use has been issued.

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 with the building consent.

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WHAT IS A CERTIFICATE OF PUBLIC USE?

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 not be issued. However Council will require inspection, maintenance and monitoring of any specified systems to be undertaken and may impose a condition to this effect on the certificate for public use. The key consideration when issuing a certificate for public use, remains can members of the public safely use the building or part thereof safely under a certificate for public use.

WHAT HAPPENS WHEN I GET MY COMPLIANCE SCHEDULE?

When the compliance schedule statement is issued it 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 verifies that the specified system(s) nominated on the compliance schedule is in the building. The intention of this statement is to show that these systems are being maintained in accordance with the compliance schedule.

WHAT DO I DO NEXT?

The compliance schedule statement is valid for one year and must be replaced by a building warrant of fitness (BWOFF) on or before the anniversary date of the issue of the compliance schedule statement.

WHAT IS A BUILDING WARRANT OF FITNESS (BWOFF)?


A building warrant of fitness 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 building warrant of fitness 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?

Issuing of the building warrant of fitness is the owner's responsibility. This must be renewed annually. The owner is required to display a copy of the building warrant of fitness 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 building warrant of fitness
- Display a copy of the building warrant of fitness certificate (Form 12) in a visible location
- Provide Council with a copy of the building warrant of fitness and IQP Certificates (Form 12A)

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HOW IS THE BUILDING WARRANT OF FITNESS ISSUED?

The building owner issues a building warrant of fitness on a form prescribed by 2005/338 Building (specified systems, change of use, and earthquake prone buildings) Amendment Regulations 2005 (Form 12). A building warrant of fitness certificate is issued for a 12 month period, which coincides with the date that the compliance schedule was issued.

The building warrant of fitness is required to:

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

The building owner must attach copies of all the 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/LBPs to quickly 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 or 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. "independent" means that the IQP has no financial interest in the building that they are auditing.

The South Waikato District Council uses the Hamilton City Councils IQP register. To find out if the IQP is registered please go to the [Hamilton IQP Register](#).

GETTING PROFESSIONAL HELP?

You cannot issue a building warrant of fitness 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

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required for each of the specified systems in your building, collect the paper work and issue the building warrant of fitness 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 building warrant of fitness may be liable if they make a false or misleading statement in the building warrant of fitness.

COUNCIL AUDITS AND CHARGES

Section 111 of the Act obligates Council to undertake audits of buildings to ensure building owners are fulfilling obligations. A fee will be charged for this inspection. Depending on the category of your building an audit may only be required as frequently as every 3 years.

Council has an annual charge associated with the receiving of the building warrant of fitness this charge will be sent out with the reminder letter which is sent out up to two months prior to your anniversary date.

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 are a range of penalties for failing to comply with these provisions:

- Any person who carries out building work for which a building consent is required could be liable for a fine of up to \$100,000 with a further fine not exceeding \$10,000 for every day or part of a day during which the offence continues
- 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;
- The offence of allowing members of the public to use public premises affected by building work carries a fine of up to \$200,000 with a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued;
- 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 it if has inadequate means of escape from fire.



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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 Building Consent 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 owner or owner's agent) |

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.