



BUILDING CONSENT AUTHORITY

T-27.3 AMENDING A COMPLIANCE SCHEDULE (territorial authority function)

Roles and Responsibilities

- TEAM LEADER BUILDING**
 Responsible for ensuring building licensing officers have the technical competence to identify whether a building requires a compliance schedule, and to assess whether the proposed maintenance, inspection, and reporting schedule for each specified system that is to accompany the building design is appropriate to satisfy the Building Code requirements.
- BUILDING LICENSING OFFICER**
 Responsible for assessing whether a building requires a compliance schedule, and whether the proposed maintenance, inspection, and reporting schedule for each specified system is appropriate to satisfy the Building Code requirements.
- ADMINISTRATION**
 Responsible for administering any compliance schedule administrative functions.

Background

Note: The licensed building practitioner provision does not come into effect until 30 November 2009.

- Sections 106, 107 and 109 address the various mechanisms whereby an existing compliance schedule may be amended. Changes may be instigated by any one of the following parties.
 - Owner or agent.
 - Territorial authority.
 - Licensed building practitioner/independent qualified person.

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2. For an owner to initiate a change to a compliance schedule, an application is required to be made on the prescribed form (Form 11) along with any accompanying information that the territorial authority may require and payment of the required charges. The territorial authority will then decide whether to amend and reissue the compliance schedule.
3. A licensed building practitioner/independent qualified person may recommend to the territorial authority that a compliance schedule be amended. The territorial authority is required to notify and give the owner an opportunity to make a submission on the matter. After considering the submission, the territorial authority is required to notify the owner and licensed building practitioner/independent qualified person of the outcome.
4. A territorial authority may decide that a compliance schedule requires amending. Under section 107, the territorial authority is required to notify and give the owner the opportunity to make a submission on the matter. After considering the submission, the territorial authority is required to notify the owner of the outcome.
5. A compliance schedule lists all the specified systems within a building that are required to be regularly maintained and inspected to ensure the continued safe and healthy operation of the building. Specified systems are listed in the Building Regulations 2005/32: Schedule 1. Examples of specified systems include sprinklers, fire alarms, lifts and mechanical ventilation systems. (See also Building (Specified Systems, Change of Use and Earthquake-prone Building) Amendment Regulations 2005).

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6. A compliance schedule is required to state:
 - the specified systems that are in the building
 - the performance standards for the specified systems within the building
 - the inspection, maintenance and reporting procedures to be followed by licensed building practitioners/ independent qualified persons in respect to each specified system.
7. It is mandatory that the owner of a building that requires a compliance schedule obtain one. For new buildings, the compliance schedule will generally be issued in conjunction with the code compliance certificate by the building consent authority.
8. A territorial authority may charge for the issue of the amended compliance schedule.
9. The compliance schedule will generally be retained in the building to which it relates, and is required to be available for inspection by any person who has a right to inspect the building under the Act.

Procedure

1 WHO HAS PROPOSED TO CHANGE THE COMPLIANCE SCHEDULE?

- 1.1 The procedures followed by the territorial authority are determined largely by which party has proposed the change to the compliance schedule.
- 1.2 The first thing to determine is who made the application.

2 IS THE PROPOSED CHANGE A RESULT OF AN OWNER REQUEST?

- 2.1 On receiving an application to amend a compliance schedule from a building owner, and having determined that it has been made in the correct form along with the appropriate fees, the building licensing officer will determine whether any additional information is required in support of the application.
- 2.2 If further information is required, the building licensing officer should contact the applicant and advise them accordingly.
- 2.3 On receipt of all relevant information, the building licensing officer must decide whether to amend the compliance schedule. The building licensing officer may wish to visit the site to better familiarise themselves with the building.

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- 2.4 If the territorial authority decides not to amend the compliance schedule, written notification should be sent to the owner advising the reasons for the decision.
- 2.5 If the territorial authority decides to amend the compliance schedule, written notification should be sent to the owner along with a copy of the amended compliance schedule.

3 IS THE PROPOSED CHANGE A RESULT OF A RECOMMENDATION FROM A LICENSED BUILDING PRACTITIONER?

Note: The licensed building practitioners provision does not come into effect until 30 November 2009.

- 3.1 If the proposed change to the compliance schedule is a result of a recommendation from the licensed building practitioner/independent qualified person, the territorial authority will contact the building owner and advise them of the licensed building practitioner’s recommendation.
- 3.2 The territorial authority will request that the building owner makes a written submission as to whether they agree with the recommendation. The time-frame for submitting the submission should be formally agreed.
- 3.3 On receipt of the submission, the territorial authority shall decide whether to accept the licensed building practitioner/independent qualified person’s recommendation and amend the compliance schedule. The building licensing officer may wish to visit the site to better familiarise themselves with the application.
- 3.4 If the territorial authority decides not to amend the compliance schedule, written notification shall be provided to the owner.
- 3.5 If the territorial authority decides to amend the compliance schedule, written notification shall be provided to the owner along with a copy of the amended compliance schedule.

4 HAS THE TERRITORIAL AUTHORITY INSTIGATED THE PROPOSED CHANGE?

- 4.1 If the territorial authority instigates the proposed change to the compliance schedule, the territorial authority must advise the building owner of its intention to do so.
- 4.2 The territorial authority may allow the building owner to make a written submission as to whether they agree with the proposed changes. The time-frame for submitting the submission should be formally agreed.
- 4.3 On receipt of the submission, the territorial authority will decide whether to amend the compliance schedule.
- 4.4 If the territorial authority decides not to amend the compliance schedule, they will provide written notification to the owner.

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4.5 If the territorial authority decides to amend the compliance schedule, they will provide written notification to the owner along with a copy of the amended compliance schedule.

NOTES

In all cases, any correspondence between the territorial authority and other parties should be formally recorded.

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