



**BUILDING CONSENT AUTHORITY**

**T-33 CODE COMPLIANCE CERTIFICATE (SECTIONS 91 – 95)  
(building consent authority function)**

**Roles and Responsibilities**

• **TEAM LEADER BUILDING**

Responsible for ensuring the building consent authority has the appropriate systems in place for assessing building consent compliance and issuing of code compliance certificate.

Responsible for ensuring both building officers and administration staff have the appropriate levels of technical competence to fulfil their functions and duties.

Responsible for ensuring that the building consent authority has the appropriate quality systems in place and these systems are being followed.

Responsible for measuring the ongoing effectiveness of the quality systems.

• **BUILDING OFFICER**

Responsible for assessing whether building work has been completed in accordance with the building consent.

• **SENIOR INSPECTIONS OFFICER**

Responsible for approving the issue of code compliance certificates.

**Background**

1. An owner is required to apply to the building consent authority that issued the building consent for a code compliance certificate as soon as practicable after all building work is completed.

NPDC Controlled Document

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Version No: 2

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2. The application is required to be on Form 6.
3. The code compliance certificate may be issued when the building consent authority is satisfied the building work has been completed in accordance with the building consent.
4. In certain cases and providing the owner and the building consent authority issuing the code compliance certificate agree, another building consent authority may issue the code compliance certificate.
5. Where applicable, the building owner is required to provide with the code compliance certificate application all certificates issued by a licensed building practitioner/independent qualified person that relate to specified systems.  
**Note:** The licensed building practitioners provision does not come into effect until 30 November 2009.
6. A building consent authority is required to decide within 20 working days of receiving the application for the issue of the code compliance certificate (or any further period that may be agreed between the building consent authority and owner) whether or not to issue the code compliance certificate. This period may be suspended if the building consent authority requires additional information.
7. If no application for issue of code compliance certificate is received within 2 years of granting the building consent, the building consent authority is required to consider whether or not to issue the code compliance certificate.

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8. Before deciding to issue a code compliance certificate, a building consent authority is required to determine whether:
  - a warning or ban has been applied to a building method or product associated with the building work
  - the building owner has provided an energy work certificate for any energy work associated with the building consent
  - a development contribution is required to be paid as a condition of the building consent and whether or not it has been paid.
9. When satisfied that all matters affected by any of the above are properly resolved, the building consent authority may issue the code compliance certificate.

## Procedure

### 1 APPLICATION FOR CODE COMPLIANCE CERTIFICATE IS RECEIVED

- 1.1 Generally a request for issue of a code compliance certificate is generated when:
  - an owner considers that a notice to fix has been complied with
  - an owner considers all building inspections relating to a building consent have been completed
  - a building consent authority becomes aware that 2 years have lapsed since the granting of the building consent.
- 1.2 Check and confirm ownership details are correct (has there been a change of owner?).

### 2 DETERMINE WHEN THE BUILDING CONSENT WAS ISSUED

- 2.1 Initially, a building officer will vet the application and the building consent documentation for completeness.
- 2.2 First consideration should be to determine when the building consent was originally issued to determine whether the request for issue of the code compliance certificate falls within the requisite 2-year time-frame (or any other time-frame previously agreed).
- 2.3 The building consent authority has an obligation to follow up on building work at the end of the 2-year (or extended) period and undertake activities outlined in 2.4 and 2.5 below.
- 2.4 The building consent authority should take a proactive approach. Proactive actions could include:

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- undertaking regular monitoring of progress of building consents that involve building work that affects public buildings, and
- where necessary, negotiating extended time-frames to avoid unnecessary problems.

2.5 To facilitate this type of action it may be useful to programme progress inspections before requisite time-frames are breached.

### 3 ASSESS CONSENT TO DETERMINE COMPLIANCE

3.1 The building officer will examine the building consent file to ascertain whether all required information has been provided.

3.2 Aspects to be checked include whether:

- the work complies with the approved building consent documentation (section 94(1))
- all the required inspections have been completed
- all building consent conditions have been fulfilled
- development contributions have been paid (section 94(4))
- the energy work certificate has been provided (if required) (section 94(3))
- all inspection fees have been paid (section 95(c))
- specified systems are capable of performing in accordance with performance standards (section 94(1b))
- a compliance schedule is required or requires amending (section 100(2))
- there has been a change of ownership (section 364)
- any warnings or bans have been applied (section 94(2))
- the Building Consents Authority has received any certificates issued by licensed building practitioners that relate to restricted work (section 88 (1) and (2))
 

**Note:** The restricted building work and licensed building practitioner provisions do not come into effect until 30 November 2009
- the Building Consents Authority has been advised by a licensed building practitioner that building work carried out under a building consent does not comply with that consent.
 

**Note:** A building consent authority may not be aware if a territorial authority has been informed of non-complying work by a licensed building practitioner (section 89)
- there is any outstanding documentation still to be collected such as:
  - survey certificates – siting, height in relation to boundary, maximum height of building or minimum floor level
  - concrete strength

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- pile driving
  - foundation observation
  - ground conditions
  - masonry – B grade
  - compaction
  - waterproofing
  - framing treatment level and location plans (supplied by pre-cutter)
  - truss layout
  - structural reviews
  - site welding
  - electrical or gas energy work certificates
  - home heating (fires)
  - glazing
  - drainage
  - smoke alarms and sprinklers
  - emergency warning systems
  - fire doors
  - spread of flame
  - backflow
  - lifts (electrical and installation)
  - mechanical ventilation
  - list of consultants
- any amendments have been issued, and whether documentation associated with these has been properly completed.

3.3 Compliance Document must state:

1. Date document came into force.
2. Whether the document (or parts of it) applies to **building work** for which a building consent has been issued **before the date** on which the Compliance Document came into force.
3. Reference (if applicable) to Acceptable Solutions or Verification Methods.

Compliance Document must not state any restrictions relating to:

1. Contractual or commercial requirements.
2. Regulatory approvals, dispensations or waivers.

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In general, the building consent authority does not have to accept a Compliance Document that is outdated (i.e. has since been amended) or has been revoked. It is possible that the particular transitional provisions in a new or updated Compliance Document may mean that an earlier Compliance Document is still valid and effective for older consents.

- 3.4 The building consent authority must not issue a code compliance certificate where a **ban** is in place.
  - 3.5 The building consent authority must have due regard for **warnings**.
  - 3.6 If documentation is incomplete, the building officer will generally suspend the time clock and initiate the required action to obtain the necessary information (section 93(1)).
  - 3.7 If the time clock must be stopped, the building consent authority will notify the owner.
  - 3.8 When the building officer is satisfied that all documentation is in order and that a code compliance certificate may be issued, the file will be forwarded to a Building Administration Officer to undertake a final check and arrange issue of the code compliance certificate.
- 4 COORDINATE ISSUE OF COMPLIANCE SCHEDULE AND NOTIFY TERRITORIAL AUTHORITY OF ISSUE OF CODE COMPLIANCE CERTIFICATE**
- 4.1 If a compliance schedule must be issued, the building officer will coordinate its issue in conjunction with the issue of the code compliance certificate.

**NOTES**

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