

Doc
Ref TS-36 Certificate of acceptance - process

Date 27/05/2008

T-36 and T-36.1 Certificate of Acceptance – process (territorial authority function)

ROLES AND RESPONSIBILITIES

TA

Develop procedures for Certificate of Acceptance processing and issue.

Building Manager

Responsible for ensuring staff have the appropriate competence and authorisation to process and issue certificates of acceptance.

Responsible for making decisions relating to potential enforcement actions.

Responsible for reviewing the certificates of acceptance prior to issue.

Building Officer

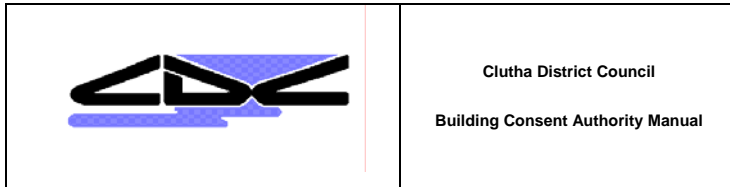
Responsible for carrying out the procedures for approval or refusal for the issue of a Certificate of Acceptance.

BACKGROUND

1. Sections 96–99.
2. This is a new tool for use in situations where work has been undertaken without a Building Consent, or where a BCA that is not a TA is unable or refuses to issue a Code Compliance Certificate.
3. A Certificate of Acceptance has similarities to a Code Compliance Certificate in that it will provide some verification for a building owner that part of or all certain building work carried out complies with the Building Code.
4. The assessment of whether a Certificate of Acceptance is to be granted or not is to be based on the Building Code that was in place at the time the application is made, rather than when the work was actually carried out.
5. The application for a Certificate of Acceptance can only be made in the district in which the work was undertaken.
6. The documentation needs to be treated as if it were a new Building Consent application (i.e., the same level of detail).

The following items need to accompany the Certificate of Acceptance application.

- Appropriate application form completed and signed.
- As-built plans and specifications demonstrating compliance with the various provisions of the Building Code.
- Fees and charges including Department of Building and Housing and BRANZ levies as per 6.3 above.
- The project information memorandum (if issued).
- List of specified systems (if applicable).
- Compliance Schedule (if relevant).
- Amended compliance schedule (if relevant).
- Energy work certificate (if available).
- Inspection records (if relevant).
- Construction reviews (if relevant).
- Any other information applicable.



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PROCEDURE

1 REASON FOR APPLICATION

- 1.1 The Building Officer is to process the application for one of the following reasons:
- When building work has been undertaken for which a Building Consent should have been obtained.
 - When building work has been undertaken without a Building Consent for reasons of urgency.
 - When building work has been undertaken in accordance with a Building Consent issued by a Building Consent authority that is not a TA that is unable, or refuses to issue a Code Compliance Certificate in relation to building work for which it granted a Building Consent.
 - When building work has been certified by a building certifier and handed back to the TA before the Code Compliance Certificate has been issued.
- 1.2 If the building work does not fall within one of the classes above, if the building work was undertaken before the commencement of the Building Act 1991 (1 July 1992), or if the work does not comply with the Building Code, then a Certificate of Acceptance is unable to be issued.

2 DETERMINE IF WORK COMPLIES WITH THE BUILDING CODE

- 2.1 The Building Officer first needs to determine whether the building work that has been undertaken has been completed in accordance with the current Building Code.
- 2.2 If the application relates to a job processed by a building certifier or another BCA, the Building Officer will need to check that a complete set of inspection records and supporting information is provided with the application form along with a copy of the project information memorandum.


If complete inspection records and a copy of the project information memorandum are not provided with the Certificate of Acceptance application, the application is to be suspended (placed on hold) until that information is received.

Note that in this case, records may already exist and may not be necessary. This should be determined on a case-by-case basis.

- 2.3 If satisfied that the work has been completed in accordance with the current Building Code and the information provided with the application demonstrates compliance, proceed to step 5 below, otherwise continue to step 3.
- 2.4 If the completion of any unfinished building work is required to comply with the Building Code, then application for a Building Consent may be required in accordance with TS-04. In this case, the Certificate of Acceptance would cover off the building work already undertaken (providing compliance with the Building Code can be verified).

3 DETERMINE COMPLIANCE WITH BUILDING CODE

- 3.1 The TA may need to undertake a site inspection. This will be determined on a case-by-case basis and will depend on how much work can be assessed and what further investigations could be done if more work is to be assessed.
- 3.2 If compliance with the Building Code cannot be demonstrated, the Building Officer will need to determine the method by which the TA can be reasonably satisfied that compliance can be achieved.
- 3.3 The method of proving compliance will need to be communicated to the building owner or their agent and necessary steps implemented.

	<p style="text-align: center;">Clutha District Council</p> <p style="text-align: center;">Building Consent Authority Manual</p>	Doc Ref	TS-36 Certificate of acceptance - process
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4 ISSUE NOTICE TO FIX

- 4.1 If compliance with the Building Code cannot be demonstrated, the Building Officer may need to issue a Notice to Fix. Proceed to TS-31 for this process.

5 IS A NEW OR AMENDED COMPLIANCE SCHEDULE REQUIRED?

- 5.1 If the issue of the Certificate of Acceptance requires that a Compliance Schedule be generated or amended, proceed to TS-27.

6 ISSUE OF CERTIFICATE OF ACCEPTANCE/COLLECT FEES AND LEVIES

- 6.1 Once satisfied that the information is adequate and confirms that all building work has been completed in accordance with the Building Code, the Certificate of Acceptance can be issued.
- 6.2 This process should be completed within 20 working days of the date the application is accepted.
- 6.3 Appropriate fees and charges, along with the Department of Building and Housing and BRANZ levies, will need to be calculated, paid and collected prior to issuing the Certificate of Acceptance.
- 6.4 Note that levies are not payable on urgent work, or work that has already had a consent issued and levies paid (e.g., certifier hand-backs).
- 6.5 The Certificate of Acceptance may be qualified to the effect that it pertains only to the parts of the work that can be inspected. This is a method of limiting the extent of the TA's liability.

7 REFUSAL TO ISSUE CERTIFICATE OF ACCEPTANCE

- 7.1 If the TA refuses to issue the Certificate of Acceptance, it is required to notify the owner in writing within 20 working days. The TA is required to state on what grounds it has refused to issue the certificate. The TA may then need to consider whether it is appropriate to issue a Notice to Fix.

NOTES