

Code Compliance Certificate

Whenever you carry out work for which a building consent is necessary, you need to apply for a code compliance certificate when you finish. Why? Because the Building Act 2004 imposes that obligation. (If you don't do so within two years of getting a building consent, or any extension Council has agreed to, Council must make a decision anyway, and you may not get a certificate for your work.)

The certificate is important for several reasons. It is a formal confirmation that you have constructed your building in accordance with the plans you submitted to Council. That means your building meets the building code. (A record of this fact goes on the file Council holds on your property.) An insurance company will want to know it is soundly built before insuring it; and prospective buyers (when eventually you come to sell) will also want to know the same thing before they consider buying it. And lastly, if you are a developer (and the building is a residential dwelling) you cannot sell it without one; nor, if the building will be open to the public, may you open your doors without one.

Before Council will issue a code compliance certificate, it must carry out a final inspection of your building. You should apply for that inspection when:

- You have completed all work and passed all previous inspections.
- You have completed and submitted an application form for a [Code Compliance Certificate \(Form 6\)](#), which you can get from Council's offices or [website](#), or goshift.co.nz/tool-box.
- You have ready all the necessary certificates and guarantees. (These include producer statements, energy certificates, warranty certificates and installer certificates.)

- You have paid all outstanding fees (including for any extra inspections and any development contribution fee).
- You have power and gas on at the property so the inspector can check the water temperature from the taps. See the brochure Building inspections for full details.
- You can apply online: huttcity.govt.nz/apply-online/

Certificate for Public Use

The world is not a perfect place. If you want to open part of your building to the public before you've finished building or alteration work, you can apply for a certificate for public use. This allows you to let in the public before you finish the job and obtain a code compliance certificate for work authorised by your building consent.

The certificate for public use confirms you have taken the necessary steps to ensure members of the public are safe to use that part of the building where you are still working. It's a good compromise: You get most of your building into use; Council satisfies itself that the public will be safe while you keep working. (You will, of course, still have to apply for a code compliance certificate once everything is finished.)

Here are the things you must do:

- Complete an application form for [Certificate for Public Use \(Form 15\)](#), which you can get from Council's offices or [website](#), or goshift.co.nz/tool-box.
- Indicate on your building plan(s) which part of the building you will continue to work on.
- Provide an analysis of how building work will affect areas opened to the public and measures you will take in response. In particular, you will have to show (where applicable):

- Where you place barriers to partition off work areas so that members of the public cannot inadvertently enter.
- Where you will put up signs saying that construction is in progress.
- How you will provide access in the affected area for people with disabilities.
- How you will deal with temporary changes in floor levels.
- How you will deal with construction traffic and provide for the storage of construction materials.
- Whether there will be temporary changes to fire escape routes and where exit signs will go on those routes.
- Whether construction work will make it necessary to narrow fire exit paths.
- Whether there must be interim changes to evacuation plans.
- Whether there will be any effect on passive fire-rated systems – primarily fire-rated walls – and whether any temporary changes are required (for example, providing another exit route if a door through a fire-rated wall will be temporarily out of use).
- Whether work will involve the use of temporary props, what the structural integrity of those areas propped up will be, and how you will block off propped-up areas.
- How you will screen off construction noise and dust while still maintaining adequate ventilation for workers and others in the building.
- How you will ensure the security of the construction area.
- Supply an amended compliance schedule if there will be temporary modifications to specified systems. (This ensures correct maintenance and testing continues).
- You can apply online:
huttcity.govt.nz/apply-online/

Please note that Council is reluctant to issue a certificate for public use if construction will result in less than the full performance of active fire-rated systems (sprinklers, alarms, et cetera) unless you can provide an interim solution to any loss of capability. It is equally reluctant to issue a certificate if there are not sufficient toilets for the number of occupants in completed areas of the building while you continue work, or if there is not toilet access for people with disabilities.

Certificate of Acceptance

Sometimes people build without having first got a building consent. It's not always a deliberate omission. Often it's a case of misunderstanding or a lack of knowledge about the building process. Frequently the problem comes to light when a new owner makes inquiries with Council and discovers that a previous owner failed to obtain a building consent for part or all of the building, or for an outbuilding such as a garage.

Until the introduction of the Building Act 2004, councils could do nothing in such situations. The act offered owners in this predicament a partial way out: a certificate of acceptance. This document provides some proof to the present owner – and future owners – that certain parts of the work comply with the building code.

It is a qualified endorsement, limited to the parts of the building for which owners can provide sufficient proof of the way construction was carried out (for example, photographs, engineer's reports, documents from materials suppliers and so forth). Council issues a certificate of acceptance on the basis that it is satisfied, *to the best of its knowledge and on reasonable grounds and insofar as it can tell*, that certain parts of the work comply.

Work carried out before July 1992 (when the building consent provisions of the Building Act 1991 took effect) does not qualify for a certificate of acceptance.

Work carried under urgency does qualify. This relates to building work necessary to protect life or health or prevent serious damage to property; or to building work necessary to make safe or maintain in safe condition a specified system

listed in a compliance schedule. (Owners must apply as soon as practicable after finishing work.)

Council assesses applications against the current building code, not the code at the time of construction.

Before making an application, check with Council about whether you will first need to apply for a resource consent.

To apply for a certificate of acceptance, you need to:

- Complete an application form ([ECB-FORM-331](#)).
- Complete the application check sheet ([ECB-FORM-335](#)).
- Assemble all the necessary supporting documentation. This can include proof of date of construction (such as signed and dated building contract payments), photographs, concrete certificates, material supply docket, producer statements from engineers (PS4s) and, most importantly, expert opinion reports. (The fact your building has been “closed in”, that is, clad internally and externally and unable to be inspected, makes it vital you engage an expert or experts to assess the integrity of your building, based on the limited evidence available.)
- Detail work that cannot be inspected.
- Detail any variations between your plans and what has been built.
- You can apply online: huttcity.govt.nz/apply-online/

Compliance Schedule and Building Warrant of Fitness

If you own or are considering buying a retail, commercial or industrial building or office block, it is likely to contain what are legally known as “specified systems” (safety features or systems such as fire alarms, sprinklers, mechanical ventilation systems, and so on). There are many different types of systems, some of them very specialised, but all of them designed to ensure the safety and wellbeing of people who enter or work in your building. That’s why there are firm rules about their inspection, testing and maintenance, and about who is allowed to carry out that work.

A compliance schedule is an inventory of all the specified systems in your building, their maintenance and inspection, and their performance standards. A building warrant of fitness is, as the name suggests, a confirmation that the building is up to scratch in terms of the specified systems it contains. More precisely, it means you, the owner, declare you have maintained (or more accurately, licensed building practitioners have maintained) the systems to the required standard during the previous year. Every 12 months you must make a fresh declaration, displaying the warrant of fitness on site and sending a copy to Council. You are best to get professional help in this specialist area. (Some companies engage experts to handle all aspects of specified systems, including paperwork, dealing with Council and engaging the qualified people to do maintenance and testing work.)

You can put public safety at risk if you do not carry out your obligations and make false declarations. That is why the Building Act 2004 allows for fines of up to \$20,000 (plus a further fine of \$2000 for each day the offence continues).

If you plan to construct a building containing specified systems, you will almost certainly need to engage an architect, who will be familiar with the requirements of installing such systems.

If you plan to modify or demolish a building containing specified systems, you must notify Council in writing.

If you have resumed use the building after it has been vacant, you must supply a building warrant of fitness confirming you have resumed the necessary inspection, maintenance and reporting procedures.

If you lease the building, you may delegate responsibility for specified systems to the tenant, though you continue to be liable for any failure by the tenant to satisfy any obligation.

If in doubt about any aspect of your responsibilities, contact Council’s building warrant of fitness officer on 570 6948.

Certificate of Use

If you plan to start or take over a business that involves the sale of liquor, such as a bar, restaurant, club or liquor outlet, you need a certificate from Council verifying that the building satisfies the rules of the Resource Management Act 1991 and of the building code, as required by the Building Act 2004.

You can get a copy of the application form ([EC-FORM-003](#)) from Council's offices or website. You will need to supply a copy of the certificate of title with your application.

You can apply online:

huttcity.govt.nz/apply-online/

If your proposal involves any changes to the existing building, you must also provide a site plan (to a scale of no less than 1:200) showing:

- The direction of north.
- The site's size and boundary lengths.
- The position of all buildings, their dimensions and their elevations.
- A floor plan of existing and proposed buildings.
- Any proposed changes to existing car parking, vehicle manoeuvring areas or entry points.

If your proposal does not meet the District Plan or building code, you will have to get a building consent and/or resource consent.