



# G09 Code Compliance Certificate (and Issue of Compliance Schedules)

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## 1. INTRODUCTION

An owner is required to apply to the building consent authority that issued the building consent for a Code Compliance Certificate (CCC) as soon as practicable after all building work is completed. The ORC must make a decision within two years of granting the consent, unless a further period is agreed upon between the consent holder and the BCA, as to whether to issue a CCC (Section 93), regardless of whether the owner has applied for a CCC.

The CCC must be issued if the building consent authority is satisfied the building work has been completed in accordance with the building consent (Section 94). The ORC uses a Lead Consultant to make an assessment of whether building work has been completed in accordance with the issued building consent (and any amendments) and that a CCC can be issued. Decision-making on whether to issue a CCC is never delegated to the Lead Consultant.

Producer Statements, where used, shall comply with the requirements specified in G07.

The processing includes a check that the corresponding building consent has not lapsed (Section 52 of the Act). This ensures that a CCC is not issued erroneously.

The Act does not allow a territorial authority that granted and issued the consent for a dam to also issue the CCC. The Act has no transitional provisions in that regard. This creates difficulties for consents granted prior to 13 May 2008 in Otago (the date ORC was first registered as a BCA) and those granted on or before 30 June 2008 in Southland and West Coast (the date the transfer agreements took effect). For the ORC each situation shall be handled on a case by case basis. The following matters shall be considered;

1. Whether the ORC is satisfied with accepting evidence of compliance arising from a process that the ORC has not specified nor been a part of;
2. The possibility of having to "split" building work covered by a single consent that has been granted by the territorial authority for building work that includes a dam and its appurtenant structures (and hence the ORC has jurisdiction) and building work that is not a dam (and remains in the jurisdiction of the territorial authority);
3. The treatment of fees already paid by the owner to the territorial authority for the (yet to be undertaken) CCC process that will now be undertaken by the ORC.

Item 3 is a matter between the owner and the territorial authority. ORC’s fees and charges policy applies regardless of whether the owner has already paid fees and charges to another BCA.

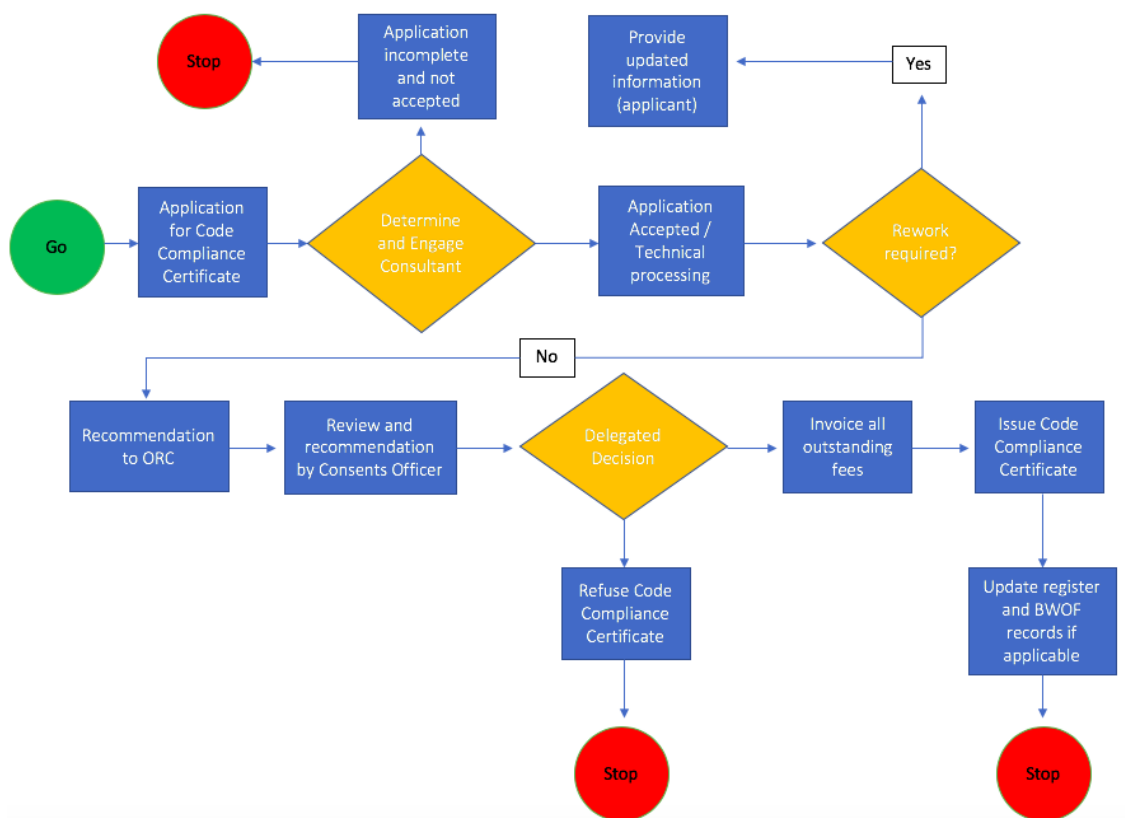
## 2. PROCESS FLOW

Relevant Process: P03 Code Compliance Certification

Relevant Stage(s): All

Primary Role(s): Consents Officer, Lead Consultant

### Process Overview: Code Compliance Certification



### Process Description for Process: Code Compliance Certification

Stage	Notes	Record created
Apply for Code Compliance Certificate	<p>An application for Code Compliance is recorded as a new item within ORC’s tracking system by BCA Administration and passed to the Consents Officer.</p> <p>Check that the corresponding building consent has not lapsed (see G08 regarding lapse of consent).</p>	<p>Entry into Accela as a new application. (The ‘clock’ for time tracking does not start until the application is accepted as being complete (See G04)).</p> <p>Application saved into Objective.</p>

Stage	Notes	Record created
	<p>A building consent authority is required to decide within 20 working days of receiving the application for a 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. The tracking methods and definitions for application status are the same as for Building Consent applications as covered in G04.</p>	
<p>Determine and engage consultant</p>	<p>This must be an approved Lead Consultant and follows the same considerations and briefing process as in G06.</p> <p>This usually will be the same consultant that has processed the building consent application, and/or been involved in the evidence of compliance process, but is a separate assignment.</p> <p>As outlined in G04 the Lead Consultant will undertake an initial assessment of the application within the first three working days to determine if the application is complete for processing.</p> <p>See G06 for Use of Consultants.</p>	<p>Brief from ORC to Consultant for Building Act matters in relation to dams.</p> <p>Job confirmation checklist. Noted in Accela who allocated to and timeframe.</p>
<p>Application accepted / Technical Processing (Consultant)</p>	<p>The Lead Consultant will verify that the application can be accepted for processing.</p> <p>The Lead Consultant will verify that a Code Compliance Certificate can be issued.</p> <p>See notes under Procedure to Assess Application for Code Compliance Certificate.</p>	<p>Completed job confirmation checklist.</p> <p>Code Compliance Certificate Application Assessment Checklist.</p> <p>If there are any suspensions of processing for requests for information, this will be recorded in Accela.</p>
<p>Application incomplete and not accepted</p>	<p>The Lead Consultant will verify if the application is incomplete and cannot be accepted for processing.</p>	<p>Refer to non-acceptance procedure in G04.</p> <p>Non-acceptance letter to applicant.</p>

<b>Stage</b>	<b>Notes</b>	<b>Record created</b>
Recommendation to ORC	This is as per the Code Compliance Assessment Checklist.	Code Compliance Certificate Application Assessment Checklist.
Review by Consents Officer	The Consents Officer must be satisfied that the Lead Consultant has carried out the work appropriately.	Sign-off on Code Compliance Certificate Application Assessment Checklist.  Recommendation to Acting General Manger Regulatory  Update of status in Accela.
Delegated Authority Decision	The Acting General Manger Regulatory or General Manager Operations will review the recommendation from the Consents Officer.	Approval to issue Compliance Document.  Code Compliance Certificate signed by Delegated Authority.
Invoice all outstanding fees	The ORC Finance Unit generate an invoice for all outstanding processing work that has not been covered by fee income. In accordance with Section 95(c) of Act, the CCC must only be issued on receipt of the full payment.  The ORC Finance Unit oversee the collection of outstanding fees. Once all fees collected, BCA Administration staff are advised.	Invoice created via Accela, Receipt saved into Objective. If decision was to issue, generate letter in objective to advise of decision to issue and requirements under Section 95(c).  Job income and costs are shown on the Fees Tab within Accela
Issue Code Compliance Certificate	The Consent Officer will generate the Code Compliance documentation.	Code Compliance Certificate.  Generate letter in objective to advice of the issue of Code Compliance Certificate.  Status updated in Accela ('Complete'). Workflow is completed to reflect the granting of the Certificate.  All approval records as above included in Objective.
Refuse Code Compliance Certificate	The Consent Officer will generate refusal letter.	Refusal letter  Potential Notice to fix (see G11).  Status updated in Accela ('Complete'). Workflow is completed to reflect the refusal of the Certificate.  All approval records as above included in Objective.

Stage	Notes	Record created
Update Dam Register and Building Warrant of Fitness (BWOFF) Records if applicable	<p>The Dam Register will be updated with the information about the dam.</p> <p>If required, the BWOFF bring-up details will be entered into the BWOFF system.</p>	<p>Register of Dams.</p> <p>BWOFF bring-up schedule.</p>
Check that all essential records are contained in Objective in project folder	<p>"Essential records" are specified in M02 Records and Document Management. If there are missing records advise the Consents Officer.</p>	

### 3. PROCEDURE TO ASSESS APPLICATION FOR CODE COMPLIANCE CERTIFICATE

The Consents Officer and Lead Consultant will examine the building consent project file to ascertain whether all required information has been provided. The Consent Officer will provide the Brief to the Lead Consultant, and receive back job confirmation from the Lead Consultant.

The Lead Consultant shall carry out the assessment to determine whether the completed work complies with the Issued Building Consent, the fulfillment of any conditions, and the provision of the required evidence of compliance.

The Lead Consultant will carry out the checks including 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));
- any warnings or bans have been applied (Section 94(2));
- the regional authority has received any certificates issued by licensed building practitioners that relate to restricted work (Section 88(1) and (2));
- the regional 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 regional authority has been informed of non-complying work by a licensed building practitioner (section 89); and

- there is any outstanding documentation still to be collected such as:
  - survey certificates – siting, height of dam, etc
  - foundation observation
  - ground conditions
  - compaction
  - structural reviews
  - site welding
  - energy work certificates
  - drainage
  - emergency warning systems
  - backflow
  - lifts (electrical and installation)
  - mechanical ventilation

- list of consultants/contractors involved in project
- Commissioning plan
- any amendments have been issued and whether documentation associated with these has been properly completed.

The Lead Consultant will complete the Code Compliance Certificate Application Assessment Checklist to be the record of the checks undertaken.

The Compliance Document must state:

- date document came into force;
- 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;
- reference to Acceptable Solutions or Verification Methods.

The Compliance Document must not state any restrictions relating to:

- contractual or commercial requirements;
- regulatory approvals, dispensations or waivers.

The ORC 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.

If documentation is incomplete, the Lead Consultant shall request that ORC suspend the time clock and initiate the required action to obtain the necessary information (Section 93(1)).

When the Lead Consultant is satisfied that all documentation is in order and that a Code Compliance Certificate may be issued, they shall make recommendation to the ORC by forwarding the documentation, including the Code Compliance Certificate Application Assessment Checklist to the Consents Officer to assess for completeness.

A recommendation including the drafted Code Compliance Certificate in the prescribed form will be made by the consent officer based on the assessment by the Lead Consultant and will forward this to the Acting General Manager Regulatory or General Manager Operations for approval to issue.

Once the decision has been made, the ORC Finance Unit will prepare any final invoice. BCA Administration or the Consent Officer will then send the invoice along with a letter (Letter no. 12) to advise of the decision to issue and to request that the full payment of the invoice is made before the issue of the Code Compliance Certificate.

Once the Finance Unit has confirmed receipt of the full payment, the BCA administration or the Consent Officer will issue the Code Compliance Certificate by enclosing the signed copy with accompanying letter (Letter no. 13).

#### **4. TIMEFRAME FOR DECIDING WHETHER TO ISSUE CODE COMPLIANCE CERTIFICATE**

If an application for issue of the Code Compliance Certificate is not received within 2 years of granting the corresponding building consent, the building consent authority is required to consider whether or not to issue the Code Compliance Certificate (Section 93 of the Act). If a building consent authority cannot issue a Code Compliance Certificate because the building work is not finished the consent remains in force (provided it has not lapsed – see G08) and the owner can apply for a Code Compliance Certificate on completion of the building work.

BCA Administration staff shall be alerted of any building consents that were granted 21 months prior and have

not had a CCC applied for via an email alert linked to accelera. Where such a case is identified a letter shall be sent to the consent holder advising the consent holder to either confirm that the project is complete and that CCC application will be made before the 2 year anniversary date; or apply for a further period to complete the work and submit the application. Should a further period be applied for the consent holder should provide a detailed reason as to why a further period should be allowed. BCA staff will decide on a case by case basis to refuse or grant the extension. The letter shall specify 20 working days in which to respond. If no response is received and the CCC is not applied for prior to the 2 year anniversary date, the BCA must make a decision whether to issue the CCC. If an application is not received and there is insufficient information available to determine the building work has been built in accordance with the building consent, the decision will be to not issue CCC. It is noted that this is not refusing CCC rather 'not issuing'. A summary of this decision will be sent to the consent holder within 5 working days of this decision. If the consent holder is to submit the CCC application in the future the BCA may consider this application and determine whether to issue the CCC at this later stage.

BCA Administration shall inform the Manager Consents of the outcome of the correspondence with the consent holder referred to above. Delegated BCA staff may approve time extensions and make decisions whether to issue CCC.

The consent holder shall be informed in writing of the decision made by the ORC on whether to issue a CCC. Details in Accela shall be updated by BCA Administration.

When an application is received for a CCC, the BCA has 20 working days to make the decision on the application, excluding time for the applicant to provide reasonable further information required. Should an applicant's delay in providing further information become unreasonable and the information required is not forthcoming, the BCA may make a decision based on the information available. If this information is insufficient to determine that the building work has been built in accordance with the building consent the decision will be to not issue CCC. A summary of this decision will be sent to the consent holder within 5 working days of this decision. If the consent holder is to submit the CCC application in the future the BCA may consider this application and determine whether to issue the CCC at this later stage.

## 5. REFUSAL

If the Lead Consultant or Consents Officer determines the submitted application for a Code Compliance Certificate does not conform to the building consent (i.e. does not pass the test in Section 94 of the Act) the reason/s for failure will be clearly identified on the Code Compliance Assessment Checklist or any attached correspondence and within the Accela record and Workflow,

The Consents Officer shall have final appraisal on refusal by the Lead Consultant and instigate any required actions as relevant to the issue e.g. Notice to Fix. For Notice to Fix procedures refer Guide G11. All actions and the reasons for them shall be noted in Accela.

The Consents Officer shall inform the applicant in writing of the refusal, the requirements to remedy the issue, and the process to resubmit their compliance application.

Update Objective and Accela, ensuring all communication is recorded.

## 6. NEED FOR COMPLIANCE SCHEDULE

It is mandatory for the owner of a dam that requires a compliance schedule to obtain one. For new dams, the ORC will generally issue the compliance schedule in conjunction with the Code Compliance Certificate. The following notes also apply to any requests for a compliance schedule for an existing dam, or an application for an amended compliance schedule

Section 100(1) requires that a compliance schedule be issued for any dam that has a specified system.



Specified systems may be installed in either (or both) the dam and/or any appurtenant structure(s). Specified systems are systems that are installed in dams to help meet the purposes and principles of the Building Act. Specified systems are listed in Schedule 1 of the Building Regulations 2005/32 and Building Amendment Regulations 2005/338. If a dam contains a specified system then a compliance schedule is required. A compliance schedule sets out the inspection, maintenance and reporting requirements for each specified system. Examples of specified systems include sprinklers, fire alarms, lifts and mechanical ventilation systems. In some situations dam safety monitoring and warning systems could qualify as a specified system as defined in the regulations.

It is ORC's policy that the compliance schedule shall comply with the latest version of the Compliance Schedule Handbook published by MBIE and available on their website. A compliance schedule is required to state the:

- specified systems that are in the dam or appurtenant structure(s);
- performance standards for the specified systems;
- inspection, maintenance and reporting procedure to be followed by an independent qualified person/licensed building practitioner in respect to each specified system.

A compliance schedule cannot be issued until a Code Compliance Certificate has been issued for the work in question. In practice, a compliance schedule will be issued alongside a code compliance certificate.

The Lead Consultant will assess whether there are any specified systems associated with the application.

When all specified systems are identified, the Lead Consultant shall assess whether the maintenance, inspection and reporting schedule for each specified system is appropriate.

If the applicant has failed to provide a relevant maintenance, inspection and reporting schedule for each system, suspend the application for CCC and request the applicant provide further information.

When all outstanding information is obtained and the Lead Consultant is satisfied that the maintenance, inspection and reporting procedures for each specified system are adequate to ensure the dam will remain safe for people to enter and occupy, the compliance schedule is prepared for issue.

During the Code Compliance review the Lead Consultant will determine whether there have been any amendments to the building consent that would affect the provisional compliance schedule that was prepared during processing (if any). If any amendments have occurred that affect the compliance schedule, the Lead Consultant will alter the compliance schedule accordingly.

## **7. ISSUE OF CODE COMPLIANCE DOCUMENTS AND COMPLIANCE SCHEDULE**

Once approved, the Code Compliance Certificate shall be issued, along with the relevant compliance schedule. The regional authority shall be informed with copies of the Code Compliance Certificate and the compliance schedule supplied within 5 days. The date that the compliance schedule is issued to the owner and to the regional authority shall be recorded on the project file. The Dams Register will also be updated with the new information along with the Accela record and Workflow.

Where there is a compliance schedule the dam owner shall be advised of their responsibilities in relation to fulfilling compliance schedule requirements. The compliance schedule will generally be retained in the dam to which it relates, and is required to be available for inspection by any person who has the right to inspect the dam under the Act.

## **8. RECORDS OF DECISIONS MADE**

The following records will be kept in relation to the granting, issue, or refusal of an application for a Code of



Compliance Certificate or compliance schedule:

- The Application Assessment Checklist completed by the Consultant. This is the basis of documenting the reasons for the decision and includes the recommendation;
- Any subsequent correspondence or file notes made by the Consents Officer in relation to the recommendation from the Consultant;
- The recommendation to grant/refuse the application;
- The Code Compliance and compliance schedule documentation itself;
- Any further correspondence or file notes generated by the ORC or the applicant;

The project folder within Objective will be updated with the above information and the status of the application within Accela will be changed by BCA Administration to reflect the decisions made. Upon the issue or refusal of an application for a Code Compliance Certificate, BCA Administration will check that Objective contains all of the records listed above. The Workflow within Accela for the Code Compliance Certificate is also required to be finalised with all aspects of the record updated and the associated Dam Register as well.