



Building Amendment Act 2012

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Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Building Amendment Act 2012.

2 Commencement

- (1) The following provisions come into force on the day after the date of Royal assent:

- (a) sections 1 to 5:
 - (b) section 6(4) to (6), and (9) to (11):
 - (c) sections 8 to 10:
 - (d) sections 13 and 14:
 - (e) sections 18 to 20:
 - (f) sections 23 to 27:
 - (g) section 29:
 - (h) sections 36(3) and 39 to 51:
 - (i) sections 53 and 54:
 - (j) section 56:
 - (k) section 57(1) and (2):
 - (l) sections 59, 61, 62(2), and 63 to 65:
 - (m) sections 67 to 71:
 - (n) sections 74 and 75:
 - (o) sections 81 to 83:
 - (p) sections 87 and 88(2):
 - (q) sections 90 to 92, 93(5), and 94.
- (2) The rest of this Act comes into force on a date appointed by the Governor-General by Order in Council, and 1 or more orders may be made bringing different provisions into force on different dates.

3 Principal Act amended

This Act amends the Building Act 2004.

Part 1 Amendments to principal Act

4 New section 3 substituted

Section 3 is repealed and the following section substituted:

“3 Purposes

This Act has the following purposes:

- “(a) to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that—
 - “(i) people who use buildings can do so safely and without endangering their health; and

- “(ii) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and
 - “(iii) people who use a building can escape from the building if it is on fire; and
 - “(iv) buildings are designed, constructed, and able to be used in ways that promote sustainable development:
- “(b) to promote the accountability of owners, designers, builders, and building consent authorities who have responsibilities for ensuring that building work complies with the building code.”

5 Principles to be applied in performing functions or duties, or exercising powers, under this Act

Section 4(2) is amended by adding the following paragraph:

- “(q) the need to ensure that owners, designers, builders, and building consent authorities are each accountable for their role in ensuring that—
- “(i) the necessary building consents and other approvals are obtained for proposed building work; and
 - “(ii) plans and specifications are sufficient to result in building work that (if built to those plans and specifications) complies with the building code; and
 - “(iii) building work for which a building consent is issued complies with that building consent; and
 - “(iv) building work for which a building consent is not required complies with the building code.”

6 Interpretation

- (1) Section 7 is amended by repealing the definition of **building consent** and substituting the following definition:
- “**building consent** means a commercial building consent, a low-risk building consent, a simple residential building consent, or a standard building consent”.
- (2) Section 7 is amended by repealing the definition of **code compliance certificate**.

- (3) Section 7 is amended by inserting the following definitions in their appropriate alphabetical order:
- “**approved quality assurance system** means a quality assurance system that has been approved under sections 52O and 52Q
 - “**approved risk profile** means a risk profile that has been approved under sections 52O and 52P
 - “**commercial building consent** means a consent granted under section 52S
 - “**commercial building work** has the meaning given to it by regulations made under this Act
 - “**consent completion certificate** means a certificate issued by a building consent authority under section 95
 - “**low-risk building consent** means a consent granted under section 52H
 - “**low-risk building work** has the meaning given to it by regulations made under this Act
 - “**prescribed aspects**, in relation to the plans and specifications accompanying an application for a simple residential building consent, means those aspects prescribed by regulations made under this Act
 - “**quality assurance system**, in relation to commercial building work, means the quality assurance system that complies with the relevant requirements prescribed by regulations made under this Act
 - “**risk profile**, in relation to commercial building work, means the risk profile determined by relevant criteria prescribed by regulations made under this Act
 - “**safety system**, in relation to commercial building work, has the meaning given to it by regulations made under this Act
 - “**safety system commissioning review** has the meaning given to it by section 52X
 - “**simple residential building consent** means a consent granted under section 52K
 - “**simple residential building work** has the meaning given to it by regulations made under this Act

“**standard building consent** means a consent granted under section 52N”.

- (4) Section 7 is amended by inserting the following definitions in their appropriate alphabetical order:

“**independently qualified person** means a person—

“(a) who is accepted by a territorial authority as being qualified to—

“(i) carry out or supervise all or some of the inspection, maintenance, and reporting procedures required for a specified system stated in a compliance schedule; and

“(ii) certify that those procedures have been fully complied with; and

“(b) whose acceptance under paragraph (a) has not been withdrawn by the territorial authority

“**owner-builder** has the meaning given to it by section 90B

“**owner-builder exemption** means the exemption for owner-builders set out in section 90D

“**owner-builder status** means the status of a person as an owner-builder

“**prescribed** means prescribed by regulations made under this Act”.

- (5) Section 7 is amended by repealing the definition of **restricted building work** and substituting the following definition:

“**restricted building work** means any building work that is—

“(a) building work of a kind declared by the Governor-General by Order in Council to be restricted building work; or

“(b) design work of a kind declared by the Governor-General by Order in Council to be restricted building work”.

- (6) Section 7 is amended by repealing the definition of **territorial authority** and substituting the following definition:

“**territorial authority**—

“(a) means a city council or district council named in Part 2 of Schedule 2 of the Local Government Act 2002; and,—

“(i) in relation to land within the district of a territorial authority, or a building on or proposed to be

- built on any such land, means that territorial authority; and
- “(ii) in relation to any part of a coastal marine area (within the meaning of the Resource Management Act 1991) that is not within the district of a territorial authority, or a building on or proposed to be built on any such part, means the territorial authority whose district is adjacent to that part; and
- “(b) includes the Minister of Conservation or the Minister of Local Government, as the case may be, in any case in which the Minister of Conservation or the Minister of Local Government is the territorial authority under section 22 of the Local Government Act 2002”.
- (7) Paragraph (d) of the definition of **building work** in section 7 is amended by adding “; and”.
- (8) The definition of **building work** in section 7 is amended by adding the following paragraph:
- “(e) includes design work that is specified in the regulations made under section 401A defining low-risk building work, simple residential building work, and commercial building work”.
- (9) Paragraph (b)(ii) of the definition of **owner** in section 7 is amended by omitting “and 97” and substituting “97, and 176(c)”.
- (10) Paragraph (c)(iii) of the definition of **plans and specifications** in section 7 is amended by omitting “procedures for inspection and routine maintenance” and substituting “inspection, maintenance, and reporting procedures”.
- (11) Paragraph (a)(i) of the definition of **specified system** in section 7 is repealed and the following subparagraph substituted:
- “(i) is contained in, or attached to, a building; and”.

7 **Building: what it means and includes**

Section 8(3) is amended by repealing paragraph (c) and substituting the following paragraph:

“(c) a consent completion certificate; and”.

8 Building: what it does not include

Section 9 is amended by inserting the following paragraph after paragraph (ab):

“(ac) security fences, oil interception and containment systems, wind turbines, gantries, and similar machinery and other structures (excluding dams) not intended to be occupied that are part of, or related to, a NUO system; or”.

9 Role of chief executive

Section 11 is amended by inserting the following paragraph after paragraph (c):

“(ca) has the functions set out in section 168A in relation to the implementation, administration, and review of this Act; and”.

10 New subpart 4 of Part 1 added

Part 1 is amended by adding the following subpart:

“Subpart 4—Outline of responsibilities under this Act

“14A Outline of responsibilities under this Act

Sections 14B to 14F—

“(a) are not a definitive and exhaustive statement of the responsibilities of the parties but are an outline only:

“(b) are for guidance only, and in the event of any conflict between any of those sections and any other provision of this Act, the latter prevails:

“(c) do not reflect the responsibilities of the parties under any other law or enactment or any contract that may be entered into between them.

“14B Responsibilities of owner

An owner is responsible for—

“(a) obtaining any necessary consents, approvals, and certificates:

“(b) ensuring that building work carried out by the owner complies with the building consent or, if there is no building consent, with the building code:

“(c) ensuring compliance with any notices to fix.

“**14C Responsibilities of owner-builder**

An owner-builder is responsible for ensuring that restricted building work carried out under the owner-builder exemption complies with the building consent and the plans and specifications to which the building consent relates.

“**14D Responsibilities of designer**

- “(1) In subsection (2), **designer** means a person who prepares plans and specifications for building work or who gives advice on the compliance of building work with the building code.
- “(2) A designer is responsible for ensuring that the plans and specifications or the advice in question are sufficient to result in the building work complying with the building code, if the building work were properly completed in accordance with those plans and specifications or that advice.

“**14E Responsibilities of builder**

- “(1) In subsection (2), **builder** means any person who carries out building work, whether in trade or not.
- “(2) A builder is responsible for—
- “(a) ensuring that the building work complies with the building consent and the plans and specifications to which the building consent relates:
 - “(b) ensuring that building work not covered by a building consent complies with the building code.
- “(3) A licensed building practitioner who carries out or supervises restricted building work is responsible for—
- “(a) ensuring that the restricted building work is carried out or supervised in accordance with the requirements of this Act; and
 - “(b) ensuring that he or she is licensed in a class for carrying out or supervising that restricted building work.

“**14F Responsibilities of building consent authority**

A building consent authority is responsible for—

- “(a) checking, in accordance with the requirements of this Act for each type of building consent, to ensure that—
 - “(i) an application for a building consent complies with the building code:
 - “(ii) building work has been carried out in accordance with the building consent for that work:
- “(b) issuing building consents and certificates in accordance with the requirements of this Act.”

11 Outline of this Part

- (1) Section 15(1) is amended by inserting the following paragraph after paragraph (d):
 - “(da) for different types of building consent.”
- (2) Section 15(1)(i) is amended by omitting “code compliance certificate” and substituting “consent completion certificate”.

12 Limits on certain powers of building consent authority in cases involving bans under section 26

Section 28(2)(b) and (3) are amended by omitting “code compliance certificate” and substituting in each case “consent completion certificate”.

13 Applications for national multiple-use approval relating to design work that is restricted building work

Section 30C(3) is amended by omitting “memorandum” and substituting “certificate of work”.

14 Content of application

Section 33(1) is amended by repealing paragraph (a) and substituting the following paragraph:

- “(a) any fees and charges imposed by the territorial authority under section 219; and”.

15 Territorial authority may issue development contribution notice

Section 36 is amended by repealing subsection (2) and substituting the following subsection:

- “(2) The territorial authority may issue a notice, in the prescribed form, to the effect that a consent completion certificate for the building work will not be issued unless the development contribution is paid (**development contribution notice**).”

16 New heading substituted

The heading above section 40 is repealed and the following heading substituted:

“Building consents: General provisions”.

17 New sections 41 to 52Y substituted

Sections 41 to 52 are repealed and the following sections substituted:

“41 Types of building consent

There are 4 types of building consent—

- “(a) a standard building consent:
- “(b) a low-risk building consent:
- “(c) a simple residential building consent:
- “(d) a commercial building consent.

“42 When building consent is not required

- “(1) Despite section 40, a building consent is not required in relation to—

- “(a) a Crown building or Crown building work to which, under section 6, this Act does not apply; or
- “(b) any building work described in Schedule 1; or
- “(c) any urgent building work for which a building consent cannot practicably be obtained in advance (*see* section 43 for the meaning of urgent building work); or
- “(d) any energy work (unless a building consent is required under section 45); or
- “(e) any building work that a territorial authority is authorised to carry out under this Act.

- “(2) The Governor-General may, by Order in Council, amend Schedule 1 by—

- “(a) adding any building work or class of building work to Schedule 1 as being building work for which a building consent is not required:

- “(b) extending or clarifying the scope of any building work or class of building work listed in Schedule 1 as building work for which a building consent is not required:
- “(c) restating, for the purpose of clarity, any building work or class of building work listed in Schedule 1.

“43 Meaning of urgent building work

In section 42(1)(c), **urgent building work** means building work that has to be carried out urgently—

- “(a) for the purpose of saving or protecting life or health or preventing serious damage to property; or
- “(b) to ensure that a specified system in a building that is covered by a compliance schedule, or would be covered if a compliance schedule were issued in respect of the building, is maintained in a safe condition or is made safe.

“44 Owner must apply for certificate of acceptance if building work carried out urgently

- “(1) If, in reliance on section 42(1)(c), building work is carried out without a building consent having been obtained in respect of that work, the owner must, as soon as practicable after completion of the building work, apply for a certificate of acceptance under section 96.
- “(2) A person commits an offence if the person fails to apply for a certificate of acceptance in accordance with subsection (1).
- “(3) A person who commits an offence under this section is liable to a fine not exceeding \$5,000.

“45 Energy work that requires building consent

- “(1) A building consent is generally not required for energy work except for—
 - “(a) energy work that relates to any specified system that is contained in, or proposed to be contained in, any building (whether existing or proposed) and that,—
 - “(i) in the case of an existing specified system, is covered by a compliance schedule, or would be covered if a compliance schedule were issued in respect of the building; or

- “(ii) in the case of a proposed specified system, will be required to be covered by a compliance schedule; and
- “(b) energy work in any case where, if that work required a building consent, a consent would not be granted unless it was granted subject to a waiver or modification of the building code.
- “(2) An owner who wishes to obtain a building consent for energy work that does not require a building consent may apply for a building consent for that work (whether or not the application also relates to any other building work), and in that case this Act applies as if the energy work required a building consent.

“46 When to apply for building consent

- “(1) An owner intending to carry out building work for which a building consent is required must, before the building work begins, apply for a building consent to a building consent authority that is authorised, within the scope of its accreditation, to grant a building consent for the proposed building work.
- “(2) An owner may make a series of applications for building consents for stages of the proposed building work.

“47 Which type of building consent to apply for

- “(1) An owner may apply for a standard building consent for any type of building work except commercial building work for which a commercial building consent is required.
- “(2) If the proposed building work is—
 - “(a) low-risk building work, the owner may apply for a low-risk building consent:
 - “(b) simple residential building work, the owner may apply for a simple residential building consent:
 - “(c) commercial building work for which a commercial building consent is not required, the owner must apply for a standard building consent or a commercial building consent:
 - “(d) commercial building work for which a commercial building consent is required, the owner must apply for a commercial building consent.

“(3) Regulations may be made under this Act prescribing the types or categories of commercial building work for which a commercial building consent is required.

“**48 How to apply for building consent**

The procedure for applying for—

- “(a) a low-risk building consent is set out in section 52G and Schedule 1A:
- “(b) a simple residential building consent is set out in section 52J and Schedule 1B:
- “(c) a standard building consent is set out in section 52M and Schedule 1C:
- “(d) a commercial building consent is set out in sections 52O and 52R and Schedule 1D.

“**49 Referral of certain applications for building consent to New Zealand Fire Service Commission**

- “(1) By notice published in the *Gazette*, the chief executive may specify a category or categories of applications for building consents that must be referred to the New Zealand Fire Service Commission.
- “(2) The chief executive must give a copy of the notice to every building consent authority as soon as practicable after it is published.
- “(3) A building consent authority must, on receipt of an application that falls within a category specified under subsection (1), provide a copy of the application to the New Zealand Fire Service Commission.

“**50 New Zealand Fire Service Commission may give advice on applications referred under section 49**

- “(1) The New Zealand Fire Service Commission (the **Commission**) may, within 10 working days after receiving a copy of an application for a building consent provided under section 49(3), provide the building consent authority concerned with a memorandum that sets out advice on the following matters in respect of the building concerned:
 - “(a) provision for means of escape from fire:

- “(b) the needs of persons who are authorised by law to enter the building to undertake fire-fighting.
 - “(2) The Commission must not, in its memorandum, set out advice that provides for the building to meet performance criteria in excess of the requirements of the building code.
 - “(3) If the Commission does not provide a memorandum within the period specified in subsection (1), the building consent authority may determine the application without the memorandum.
- “**51 Processing application for building consent**
- “(1) After receiving an application for a building consent that complies with the requirements for an application of that type, a building consent authority must, within the time limit specified in subsection (2),—
 - “(a) grant the application; or
 - “(b) refuse the application.
 - “(2) The time limit is,—
 - “(a) in the case of an application for a low-risk building consent or a simple residential building consent, 5 working days after receipt by the building consent authority of the application:
 - “(b) in the case of an application that relates only to plans and specifications for which a national multi-use approval has been issued, 10 working days after receipt by the building consent authority of the application:
 - “(c) in all other cases, 20 working days after receipt by the building consent authority of the application.
 - “(3) A building consent authority may, within the period specified in subsection (2), require further reasonable information in respect of the application, and, if it does so, the period is suspended until it receives that information.
 - “(4) In deciding whether to grant or refuse an application for a building consent, the building consent authority must have regard to—
 - “(a) a memorandum provided by the New Zealand Fire Service Commission under section 50 (if any); and
 - “(b) whether a building method or product to which a current warning or ban under section 26(2) relates will, or may,

be used or applied in the building work to which the building consent relates.

“52 Grant of building consent

- “(1) The requirements for the grant of—
- “(a) a low-risk building consent are set out in section 52H:
 - “(b) a simple residential building consent are set out in section 52K:
 - “(c) a standard building consent are set out in section 52N:
 - “(d) a commercial building consent are set out in section 52S.
- “(2) However, in all cases a building consent authority is not required to grant a building consent until it receives—
- “(a) any charge or fee fixed by it in relation to the consent; and
 - “(b) any levy payable under section 53.

“52A Notice of refusal of application for building consent

If a building consent authority refuses an application for a building consent, the building consent authority must give the applicant written notice of—

- “(a) the refusal; and
- “(b) the reasons for the refusal.

“52B Issue of building consent

- “(1) A building consent must—
- “(a) be issued in the prescribed form; and
 - “(b) have attached to it a copy of—
 - “(i) the project information memorandum (if any) for the building work to which the building consent relates; and
 - “(ii) a development contribution notice under section 36 (if any); and
 - “(iii) a certificate issued under section 37 (if any); and
 - “(c) contain confirmation that the New Zealand Historic Places Trust has been notified under section 39 (if applicable); and
 - “(d) if a compliance schedule is required as a result of the building work, state—

- “(i) the specified systems that must be covered by the compliance schedule; and
- “(ii) the performance standards for the specified systems; and
- “(e) if an amendment to an existing compliance schedule is required as a result of the building work, state—
 - “(i) the specified systems that must be covered by that compliance schedule; and
 - “(ii) the performance standards for the specified systems.
- “(2) The issue of a building consent does not, of itself,—
 - “(a) relieve the owner of the building or proposed building to which the building consent relates of any duty or responsibility under any other Act relating to or affecting the building or proposed building; or
 - “(b) permit the construction, alteration, demolition, or removal of the building or proposed building if that construction, alteration, demolition, or removal would be in breach of any other Act.
- “(3) If a building consent authority does not, within the time limit for granting the building consent, receive from the territorial authority any document or information required for compliance with subsection (1)(b) or (c), the building consent authority may grant the building consent despite that subsection.
- “(4) However, the building consent authority must, on receiving the document or the information referred to in subsection (3), provide the owner with the document or information.

“52C Minor variations to building consent

- “(1) An application for a minor variation to a building consent—
 - “(a) is not required to be made in a prescribed form; but
 - “(b) must comply with all other applicable requirements for the type of building consent in question.
- “(2) Sections 51 to 52A apply, with all necessary modifications, to an application for a minor variation.
- “(3) A building consent authority that grants a minor variation—
 - “(a) must record the minor variation in writing; but
 - “(b) is not required to issue an amended building consent.

“52D Changes to plans and specifications that have national multiple-use approval

- “(1) When applying for a building consent in reliance on plans and specifications for which a national multiple-use approval has been issued, or for an amendment to such a building consent under section 52C, changes may be made to those plans and specifications if—
- “(a) the changes are permitted under the terms of the national multiple-use approval; or
 - “(b) the changes are minor customisations permitted by regulations made under section 402(1)(kc).
- “(2) If any other changes are made to the plans and specifications referred to in subsection (1), the national multiple-use approval does not apply.

“52E Lapse of building consent

A building consent lapses and is of no effect if the building work to which it relates does not commence within—

- “(a) 12 months after the date of issue of the building consent; or
- “(b) any further period that the building consent authority may allow.

“52F Building consent authority may re-designate consent in certain cases

- “(1) This section applies if a building consent authority has issued a consent that is a low-risk building consent, a simple residential building consent, or a commercial building consent.
- “(2) The authority may re-designate the consent as a standard building consent if it is satisfied on reasonable grounds that—
- “(a) building work has been undertaken under the original consent that does not comply with that consent; or
 - “(b) a person who was not a licensed building practitioner has carried out without supervision by a licensed building practitioner, or has supervised, building work that is required to be carried out or supervised by a licensed building practitioner; or

- “(c) the owner has applied for an amendment to the building consent and the proposed building work will not fall within the scope of the original consent.
- “(3) A building consent authority that re-designates a consent as a standard building consent may—
 - “(a) issue a notice to fix under section 164 in respect of building work already done:
 - “(b) issue a certificate of acceptance under section 96(1)(e).

“Low-risk building consent

“52G Application for low-risk building consent

An application for a low-risk building consent must comply with the requirements set out in Schedule 1A.

“52H Grant of low-risk building consent

- “(1) A building consent authority must grant a low-risk building consent if—
 - “(a) the application for the consent complies with the requirements set out in Schedule 1A; and
 - “(b) the authority is satisfied on reasonable grounds that—
 - “(i) the building work is low-risk building work; and
 - “(ii) any person named in the application as a licensed building practitioner is, at the date of the grant of the consent, in fact a licensed building practitioner and is licensed in a class appropriate for the building work to which the application relates; and
 - “(iii) the building work to which the application relates satisfies any conditions prescribed under this Act for that type of building work.
- “(2) In considering an application for a low-risk building consent, a building consent authority is not required to consider whether the building work will comply with the building code.

“52I Responsibility of building consent authority in relation to building work carried out under low-risk building consent

- “(1) A building consent authority that has issued a low-risk building consent—

- “(a) is not required to inspect the building work in question at any time before the issue of a consent completion certificate for that building work; and
 - “(b) incurs no liability to any person by reason only of not checking the plans and specifications accompanying the application or not inspecting the building work in question at any time before the issue of a consent completion certificate.
- “(2) Nothing in subsection (1) limits or affects the provisions of section 90 or 222.

“Simple residential building consent

“52J Application for simple residential building consent

An application for a simple residential building consent must comply with the requirements set out in Schedule 1B.

“52K Grant of simple residential building consent

- “(1) A building consent authority must grant a simple residential building consent if—
- “(a) the application for the consent complies with the requirements set out in Schedule 1B; and
 - “(b) the authority is satisfied on reasonable grounds that—
 - “(i) the building work is simple residential building work; and
 - “(ii) the building work in the prescribed aspects (the **prescribed aspects**) of the plans and specifications accompanying the application will comply with the building code if it is completed in accordance with the plans and specifications accompanying the application; and
 - “(iii) the building work is within the class of building work for which the person named in the application as the licensed building practitioner is licensed.
- “(2) In considering an application for a simple residential building consent, a building consent authority is required to consider the building work only in the prescribed aspects and is not required to consider any other aspects.

“(3) Subsections (1)(b)(ii) and (2) do not limit the power of the building consent authority to refuse to grant the consent if the authority considers that any aspect of the work (whether a prescribed aspect or not) will result in significant non-compliance with the building code.

“**52L Responsibility of building consent authority in relation to building work carried out under simple residential building consent**

“(1) A building consent authority that has issued a simple residential consent—

“(a) must, in accordance with regulations made under this Act, make the prescribed inspections of the building work; but

“(b) incurs no liability to any person by reason only that the authority did not make inspections of the building work over and above the prescribed inspections.

“(2) Nothing in subsection (1) limits the provisions of section 90 or 222.

“Standard building consent

“**52M Application for standard building consent**

An application for a standard building consent must comply with the requirements set out in Schedule 1C.

“**52N Grant of standard building consent**

A building consent authority must grant a standard building consent if—

“(a) the application for the consent complies with the requirements set out in Schedule 1C; and

“(b) the authority is satisfied on reasonable grounds that the building work will comply with the building code if it is properly completed in accordance with the plans and specifications accompanying the application; and

“(c) in the event that any of the building work is restricted building work, any licensed building practitioner named in the application to carry out restricted building work

is licensed in the appropriate class to carry out or supervise the restricted building work.

“Commercial building consent

“52O Approval required before application for commercial building consent may be made

An owner who intends to apply for a commercial building consent must, before making the application, obtain from the building consent authority to which the application will be made written approval of the following matters:

- “(a) the risk profile of the building work; and
- “(b) the quality assurance system that will apply to the building work.

“52P Approved risk profile

- “(1) A risk profile must be determined in accordance with the criteria for determining the risk profile of commercial building work that are specified by regulations made under this Act (the **specified criteria**).
- “(2) A building consent authority must approve a risk profile if the building consent authority is satisfied that the risk profile—
 - “(a) has been determined in accordance with the specified criteria; and
 - “(b) is an appropriate assessment of—
 - “(i) the risk that the building work will not comply with the building code; and
 - “(ii) the consequences of that non-compliance.
- “(3) The owner and the building consent authority may amend an approved risk profile by agreement, but the building consent authority must not agree to an amendment unless it is satisfied that the risk profile after amendment complies with the matters set out in subsection (2).

“52Q Approved quality assurance system

- “(1) A quality assurance system must comply with the requirements for a quality assurance system for commercial building work that are specified by regulations made under this Act (the **specified requirements**).

- “(2) A building consent authority must approve a quality assurance system if the building consent authority is satisfied that the quality assurance system—
- “(a) complies with the specified requirements; and
 - “(b) provides for appropriate supervisory observation, testing, inspection, and third-party review for ensuring that the building work will comply with the building code.
- “(3) The owner and the building consent authority may amend an approved quality assurance system by agreement, but the building consent authority must not agree to an amendment unless it is satisfied that the quality assurance system after amendment complies with the matters set out in subsection (2).

“52R Application for commercial building consent

An application for a commercial building consent must comply with the requirements set out in Schedule 1D.

“52S Grant of commercial building consent

A building consent authority must grant a commercial building consent if—

- “(a) the application for the consent complies with the requirements set out in Schedule 1D; and
- “(b) the building consent authority is satisfied on reasonable grounds that—
 - “(i) the building work is commercial building work; and
 - “(ii) nothing exists or is known that, if it had existed or been known before the approval was given under section 52O, would have resulted in the building consent authority withholding the approval.

“52T Owner must notify building consent authority of change affecting risk profile

- “(1) This section applies if building work remains to be carried out under a commercial building consent and the owner becomes aware of a material change to 1 or more of the criteria on which the risk profile was determined.
- “(2) The owner must immediately—

- “(a) notify the building consent authority that issued the consent of the change; and
- “(b) apply for an amendment to the approved risk profile.

“52U Amendment to approved risk profile or approved quality assurance system after grant of building consent

- “(1) A building consent authority that has granted a commercial building consent may, on its own initiative or on an application by the owner,—
 - “(a) amend the approved risk profile:
 - “(b) amend the approved risk profile and, as necessary, the approved quality assurance system to accommodate the changes to the approved risk profile:
 - “(c) amend the approved quality assurance system.
- “(2) The building consent authority may make an amendment—
 - “(a) under subsection (1)(a) if the authority is no longer satisfied that the grounds for approving the risk profile under section 52P(2) are met:
 - “(b) under subsection (1)(b) if the authority is no longer satisfied that the grounds for approving the risk profile under section 52P(2) and the approved quality assurance system under section 52Q(2) are met:
 - “(c) under subsection (1)(c) if the authority is no longer satisfied that the grounds for approving the quality assurance system under section 52Q(2) are met.
- “(3) An approved risk profile or approved quality assurance system that is amended under this section takes effect as if it were the approved risk profile or approved quality assurance system that accompanied the application for the building consent.
- “(4) A building consent authority that makes an amendment under this section must give written notice of the amendment to the owner.

“52V Owner must provide building consent authority with information relating to quality assurance system

- “(1) A commercial building consent is subject to the condition that the owner must provide to the building consent authority that issued the consent information that the authority may reasonably require—

- “(a) in relation to the quality assurance system; or
 - “(b) arising out of compliance with the quality assurance system.
- “(2) The owner must provide the information as soon as is reasonably practicable after being required to provide it.

“52W Powers ancillary to building consent authority’s power of inspection of commercial building work

A building consent authority that has issued a commercial building consent may, as part of its power of inspection under section 90, take all reasonable steps (for example, sampling, testing, auditing, and observation) to ensure that all necessary processes under the approved quality assurance system are being carried out.

“52X Safety system commissioning reviews

- “(1) For the purposes of section 94C and Schedule 1H, a **safety system commissioning review** is a review conducted by a building consent authority, or its nominated agent, to check that the following systems and facilities are operating in accordance with their specifications, in compliance with the building code and (in the case of a specified system) in accordance with the relevant performance standards:
- “(a) specified systems:
 - “(b) emergency exit paths:
 - “(c) inter-operation of the building as a whole system with respect to safety systems:
 - “(d) accessibility facilities.
- “(2) A safety system commissioning review—
- “(a) may be conducted at 1 time or at multiple times:
 - “(b) must be conducted before a consent completion certificate is applied for or before the consent compliance certificate is granted.

“52Y Offence to make false or misleading statement in relation to commercial building work

- “(1) A person commits an offence if that person, in any communication, application, or document that is required to be made or

given under this Act or by the regulations in relation to commercial building work,—

“(a) knowingly makes a written or an oral statement that is false or misleading in a material particular; or

“(b) knowingly makes a material omission.

“(2) A person who commits an offence under this section is liable to a fine not exceeding \$200,000.”

18 How to apply for building consent

(1) Section 45 is amended by adding the following subsection:

“(5) The application must be accompanied by a statutory declaration, in the prescribed form, as to owner-builder status—

“(a) if the building work includes restricted building work to be carried out by the owner-builder; or

“(b) if any accompanying plans or specifications contain design work that is restricted building work and that has been carried out by the owner-builder.”

(2) Section 45(1) is amended by repealing paragraph (d) and substituting the following paragraph:

“(d) be accompanied by any fees and charges imposed by the building consent authority under section 240; and”.

19 Grant of building consent

Section 49(2)(a) is amended by inserting “or fee” after “charge”.

20 Applicant for building consent liable to pay levy

Section 53 is amended by adding the following subsection:

“(4) The chief executive may, in his or her discretion, refund all or part of the levy if the building consent lapses by paying the refund to the applicant or to the relevant building consent authority.”

21 Payment of levy if building work completed in stages

Section 57(2)(b) is amended by omitting “code compliance certificate” and substituting “consent completion certificate”.

22 New headings and sections 84 to 84D substituted

Section 84 and the heading above section 84 are repealed and the following headings and sections substituted:

“Who may carry out or supervise simple residential building work

“84 Who may carry out or supervise simple residential building work

Simple residential building work under a simple residential building consent must be carried out or supervised by a licensed building practitioner who is licensed to carry out or supervise the carrying out of building work of that kind.

“84A Offences relating to carrying out or supervising simple residential building work

- “(1) A person who is not a licensed building practitioner commits an offence if he or she carries out simple residential building work under a simple residential building consent while not supervised by a licensed building practitioner who is licensed to carry out or supervise the carrying out of building work of that kind.
- “(2) A person who is a licensed building practitioner commits an offence if he or she—
- “(a) carries out simple residential building work under a simple residential building consent and is not licensed to carry out building work of that kind; or
 - “(b) supervises simple residential building work under a simple residential building consent and is not licensed to carry out or supervise the carrying out of building work of that kind.
- “(3) A person who commits an offence under this section is liable to a fine not exceeding \$20,000.

“84B Offence to engage another person to carry out or supervise simple residential building work if person is not licensed building practitioner

- “(1) A person commits an offence if that person—

- “(a) engages another person to carry out simple residential building work under a simple residential building consent; and
 - “(b) knows that the other person is not—
 - “(i) a licensed building practitioner; or
 - “(ii) a licensed building practitioner who is licensed to carry out building work of that kind.
- “(2) A person commits an offence if that person—
- “(a) engages another person to supervise the carrying out of simple residential building work under a simple residential building consent; and
 - “(b) knows that the other person is not—
 - “(i) a licensed building practitioner; or
 - “(ii) a licensed building practitioner who is licensed to carry out or supervise the carrying out of building work of that kind.
- “(3) A person who commits an offence under this section is liable to a fine not exceeding \$20,000.

“84C Owner must notify names of or change in licensed building practitioners engaged in simple residential building work

- “(1) Before simple residential building work commences under a simple residential building consent, the owner must give the building consent authority written notice of the name of every licensed building practitioner who is engaged to carry out, or supervise, the simple residential building work under the simple residential building consent.
- “(2) After any simple residential building work commences under a simple residential building consent, the owner must give the building consent authority a written notice if—
 - “(a) a licensed building practitioner ceases to be engaged to carry out or supervise that building work; or
 - “(b) another licensed building practitioner is engaged to carry out or supervise that building work.
- “(3) A person who contravenes subsection (1) or (2) commits an offence and is liable to a fine not exceeding \$20,000.

“Who may carry out or supervise restricted building work

“84D Who may carry out or supervise restricted building work

Restricted building work must be carried out or supervised by a licensed building practitioner licensed to carry out or supervise restricted building work of that kind except if the owner-builder exemption applies (*see* section 90D).”

23 New section 85 substituted

Section 85 is repealed and the following section substituted:

“85 Offences relating to carrying out or supervising restricted building work

“(1) A person who is not a licensed building practitioner commits an offence if he or she carries out restricted building work while not supervised by a licensed building practitioner who is licensed to carry out or supervise the carrying out of restricted building work of that kind.

“(2) A person who is a licensed building practitioner commits an offence if he or she—

“(a) carries out restricted building work and is not licensed to carry out restricted building work of that kind; or

“(b) supervises restricted building work and is not licensed to carry out or supervise the carrying out of restricted building work of that kind.

“(3) Subsection (1) and (2)(a) do not apply to a person to whom the owner-builder exemption applies in respect of the restricted building work in question.

“(4) A person who commits an offence under this section is liable to a fine not exceeding \$20,000.”

24 Offence to engage another person to carry out or supervise restricted building work if person is not licensed building practitioner

Section 86 is amended by repealing subsection (1) and substituting the following subsections:

“(1) A person commits an offence if that person—

“(a) engages another person to carry out restricted building work; and

- “(b) knows that the other person is not—
 - “(i) a licensed building practitioner; or
 - “(ii) a licensed building practitioner who is licensed to carry out the restricted building work.
- “(1A) A person commits an offence if that person—
 - “(a) engages another person to supervise the carrying out of restricted building work; and
 - “(b) knows that the other person is not—
 - “(i) a licensed building practitioner; or
 - “(ii) a licensed building practitioner who is licensed to carry out or supervise the carrying out of the restricted building work.
- “(1B) This section does not apply in the case of any unpaid friend or family member of an owner-builder who is engaged to assist the owner-builder in carrying out restricted building work.”

25 Owner must notify names of licensed building practitioners engaged in restricted building work

Section 87 is amended by adding the following subsection:

- “(4) This section does not apply in the case of a licensed building practitioner who, as an unpaid friend or family member of an owner-builder, is engaged to assist the owner-builder in carrying out restricted building work.”

26 New section 87A inserted

The following section is inserted after section 87:

“87A Notices to building consent authority when owner-builder carries out restricted building work

- “(1) This section applies when, under the owner-builder exemption, an owner-builder carries out restricted building work under a building consent.
- “(2) If the building consent application was not accompanied by a statutory declaration as to owner-builder status, the owner must give the building consent authority a notice that the owner-builder is to carry out restricted building work.
- “(3) The owner must give the building consent authority a notice—
 - “(a) if there is a change in the owner-builder carrying out the restricted building work; or

- “(b) when the owner-builder ceases to carry out the restricted building work.
- “(4) A notice under this section must—
 - “(a) be in the prescribed form; and
 - “(b) if it is a notice required under subsection (2) or (3)(a), be accompanied by a statutory declaration as to owner-builder status; and
 - “(c) be given—
 - “(i) before the building work begins, if it is a notice required by subsection (2);
 - “(ii) as soon as practicable, if it is a notice required by subsection (3).
- “(5) A person who contravenes this section commits an offence and is liable to a fine not exceeding \$20,000.”

27 Licensed building practitioner to certify or provide memorandum about restricted building work

- (1) The heading to section 88 is amended by omitting “**certify or provide memorandum about**” and substituting “**provide record of work in respect of**”.
- (2) Section 88 is amended by repealing subsection (1) and substituting the following subsection:
 - “(1) Each licensed building practitioner who carries out (other than as an owner-builder) or supervises restricted building work under a building consent must, on completion of the restricted building work, provide the persons specified in subsection (2) with a record of work, in the prescribed form, stating what restricted building work the licensed building practitioner carried out or supervised.”
- (3) Section 88(3) is repealed.
- (4) Section 88 is amended by repealing subsection (4) and substituting the following subsection:
 - “(4) A record of work given under subsection (1) does not, of itself,—
 - “(a) create any liability in relation to any matter to which the record of work relates; or

- “(b) give rise to any civil liability to the owner that would not otherwise exist if the licensed building practitioner were not required to provide the record of work.”

28 Inspections by building consent authorities

Section 90 is amended by repealing subsection (3) and substituting the following subsections:

- “(3) In this section, **inspection** includes—
 - “(a) the taking of all reasonable steps to ensure that building work is being carried out in accordance with a building consent:
 - “(b) in the case of work carried out under a commercial building consent, the taking of all reasonable steps to determine whether the approved quality assurance system is being complied with.
- “(4) Nothing in this section may be taken to impose an obligation on a building consent authority to make an inspection.”

29 New subpart 4A of Part 2 inserted

The following subpart is inserted after section 90:

“Subpart 4A—Restricted building work
carried out by owner-builders

“90A Purpose of this subpart

The purpose of this subpart is to enable homeowners to build and alter their own homes.

“90B Meaning of owner-builder

- “(1) An **owner-builder**, in relation to restricted building work, means a natural person who—
 - “(a) has a relevant interest in the land or the building on which the restricted building work is carried out; and
 - “(b) resides, or intends to reside, in the household unit in relation to which the restricted building work is carried out; and
 - “(c) carries out the restricted building work himself or herself or with the assistance of his or her unpaid friends and family members; and

“(d) has not, under the owner-builder exemption, carried out restricted building work in relation to a different household unit within the previous 3 years.

“(2) For the purposes of subsection (1)(b), **reside** includes temporarily reside.

“90C Meaning of relevant interest

For the purposes of section 90B(1)(a), **relevant interest**, in relation to the land or the building on which restricted building work is carried out, means a legal or equitable interest in the land or building; and includes—

“(a) a right of occupancy of the land or building or part of the building; or

“(b) a right, power, or privilege over, or in connection with, the land or building.

“90D Owner-builder exemption

“(1) A person who is an owner-builder in relation to restricted building work may carry out that restricted building work without being supervised by a licensed building practitioner.

“(2) Subsection (1) does not apply if the restricted building work in question is low-risk building work under a low-risk building consent, simple residential building work under a simple residential building consent, or commercial building work under a commercial building consent.”

30 Heading to subpart 5 of Part 2 amended

The heading to subpart 5 of Part 2 is amended by omitting “Code compliance certificates” and substituting “Consent completion certificates”.

31 New heading substituted

The heading above section 91 is omitted and the following heading substituted:

“Consent completion certificates”.

32 Building consent authority that grants building consent to issue code compliance certificate

- (1) The heading to section 91 is amended by omitting “**code compliance certificate**” and substituting “**consent completion certificate**”.
- (2) Section 91(1), (2), and (3) are amended by omitting “code compliance certificate” in each place where it appears and substituting in each case “consent completion certificate”.

33 New section 92 substituted

Section 92 is repealed and the following section substituted:

“92 Application for consent completion certificate

- “(1) An owner must apply to a building consent authority for a consent completion certificate after all building work to be carried out under a building consent granted to that owner is completed.
- “(2) The application must be made—
 - “(a) as soon as practicable after the building work is completed; and
 - “(b) either—
 - “(i) to the building consent authority that granted the consent; or
 - “(ii) if section 91(2) applies, to the building consent authority that it is proposed will issue the consent completion certificate.
- “(3) An application for a consent completion certificate in respect of building work carried out under—
 - “(a) a low-risk building consent must comply with the requirements of Schedule 1E:
 - “(b) a simple residential building consent must comply with the requirements of Schedule 1F:
 - “(c) a standard building consent must comply with the requirements of Schedule 1G:
 - “(d) a commercial building consent must comply with the requirements of Schedule 1H.”

34 Time in which building consent authority must decide whether to issue code compliance certificate

- (1) The heading to section 93 is amended by omitting “**code compliance certificate**” and substituting “**consent completion certificate**”.
- (2) Section 93(1), (2)(a), (3), and (4) are amended by omitting “code compliance certificate” and substituting in each case “consent completion certificate”.

35 New sections 94 to 94C substituted

Section 94 is repealed and the following sections are substituted:

“94 Issue of consent completion certificate for work under low-risk building consent

- “(1) A building consent authority must issue a consent completion certificate for work carried out under a low-risk building consent if—
- “(a) the application for the consent completion certificate is complete and in order; and
 - “(b) there are no outstanding notices to fix in respect of the building work; and
 - “(c) the building consent authority is satisfied, on reasonable grounds, that,—
 - “(i) in a case where a compliance schedule is required as a result of the building work, the specified systems in the building are capable of performing to the performance standards set out in the building consent; or
 - “(ii) in a case where an amendment to an existing compliance schedule is required as a result of the building work, the specified systems that are being altered in, or added to, the building in the course of the building work are capable of performing to the performance standards set out in the building consent; and
 - “(d) the building consent authority is satisfied, on reasonable grounds, that any licensed building practitioner who carried out any of the building work was licensed in the

appropriate class to carry out or supervise that building work.

- “(2) In deciding whether to issue a consent completion certificate under this section, a building consent authority must have regard to whether a building method or product to which a current warning or ban under section 26(2) relates has, or may have, been used or applied in the building work to which the consent completion certificate would relate.
- “(3) If the owner fails to provide to a building consent authority an energy work certificate for energy work in respect of which a low-risk building consent has been granted, the failure is a sufficient reason for the building consent authority to refuse to issue a consent completion certificate in respect of the energy work.
- “(4) If a development contribution has been required to be paid or made under section 198 of the Local Government Act 2002, a building consent authority that is other than the territorial authority that made the requirement must refuse to issue a consent completion certificate in respect of the relevant building work until the building consent authority has received—
- “(a) evidence that the development contribution has been paid or made by the owner concerned to the territorial authority; or
 - “(b) a copy of a written agreement between the owner and the territorial authority that the consent completion certificate may be issued.
- “(5) Subsection (1) is subject to subsection (4).

“94A Issue of consent completion certificate for work under simple residential building consent

- “(1) A building consent authority must issue a consent completion certificate for work carried out under a simple residential building consent if—
- “(a) the application for the consent completion certificate is complete and in order; and
 - “(b) there are no outstanding notices to fix in respect of the building work; and
 - “(c) the building consent authority is satisfied, on reasonable grounds, that the building work that has been inspected

- in accordance with the prescribed requirements relating to inspection of simple residential building work by a building consent authority complies with the building consent; and
- “(d) the building consent authority is satisfied, on reasonable grounds, that,—
- “(i) in a case where a compliance schedule is required as a result of the building work, the specified systems in the building are capable of performing to the performance standards set out in the building consent; or
- “(ii) in a case where an amendment to an existing compliance schedule is required as a result of the building work, the specified systems that are being altered in, or added to, the building in the course of the building work are capable of performing to the performance standards set out in the building consent; and
- “(e) the building consent authority is satisfied, on reasonable grounds, that any licensed building practitioner who carried out any of the building work was licensed in the appropriate class to carry out or supervise that building work.
- “(2) In deciding whether to issue a consent completion certificate under this section, a building consent authority must have regard to whether a building method or product to which a current warning or ban under section 26(2) relates has, or may have, been used or applied in the building work to which the consent completion certificate would relate.
- “(3) If the owner fails to provide to a building consent authority an energy work certificate for energy work in respect of which a simple residential building consent has been granted, the failure is a sufficient reason for the building consent authority to refuse to issue a consent completion certificate in respect of the energy work.
- “(4) If a development contribution has been required to be paid or made under section 198 of the Local Government Act 2002, a building consent authority that is other than the territorial authority that made the requirement must refuse to issue a con-

sent completion certificate in respect of the relevant building work until the building consent authority has received—

- “(a) evidence that the development contribution has been paid or made by the owner concerned to the territorial authority; or
- “(b) a copy of a written agreement between the owner and the territorial authority that the consent completion certificate may be issued.

“(5) Subsection (1) is subject to subsection (4).

“94B Issue of consent completion certificate for work under standard building consent

“(1) A building consent authority must issue a consent completion certificate for work carried out under a standard building consent if—

- “(a) the application for the consent completion certificate is complete and in order; and
- “(b) the building consent authority is satisfied, on reasonable grounds, that the building work complies with the building consent; and
- “(c) the building consent authority is satisfied, on reasonable grounds, that,—
 - “(i) in a case where a compliance schedule is required as a result of the building work, the specified systems in the building are capable of performing to the performance standards set out in the building consent; or
 - “(ii) in a case where an amendment to an existing compliance schedule is required as a result of the building work, the specified systems that are being altered in, or added to, the building in the course of the building work are capable of performing to the performance standards set out in the building consent; and
- “(d) the building consent authority is satisfied, on reasonable grounds, that any licensed building practitioner who carried out any of the building work was licensed in the appropriate class to carry out or supervise that building work.

- “(2) In deciding whether to issue a consent completion certificate under this section, a building consent authority must have regard to whether a building method or product to which a current warning or ban under section 26(2) relates has, or may have, been used or applied in the building work to which the consent completion certificate would relate.
- “(3) If the owner fails to provide to a building consent authority an energy work certificate for energy work in respect of which a standard building consent has been granted, the failure is a sufficient reason for the building consent authority to refuse to issue a consent completion certificate in respect of the energy work.
- “(4) If a development contribution has been required to be paid or made under section 198 of the Local Government Act 2002, a building consent authority that is other than the territorial authority that made the requirement must refuse to issue a consent completion certificate in respect of the relevant building work until the building consent authority has received—
- “(a) evidence that the development contribution has been paid or made by the owner concerned to the territorial authority; or
 - “(b) a copy of a written agreement between the owner and the territorial authority that the consent completion certificate may be issued.
- “(5) If an owner-builder fails to provide to a building consent authority a statutory declaration in relation to restricted building work carried out by the owner-builder in respect of which a standard building consent has been granted, the failure is a sufficient reason for the building consent authority to refuse to issue a consent completion certificate in respect of the restricted building work.
- “(6) Subsection (1) is subject to subsection (4).

“94C Issue of consent completion certificate for work under commercial building consent

- “(1) A building consent authority must issue a consent completion certificate for work carried out under a commercial building consent if—

- “(a) the application for the consent completion certificate is complete and in order; and
 - “(b) the building consent authority is satisfied, on reasonable grounds, that the requirements of the approved quality assurance system in relation to the observation and inspection of the building work have been complied with; and
 - “(c) the building consent authority has undertaken a safety system commissioning review and the authority is satisfied, on reasonable grounds, that the systems are operating in accordance with their specifications; and
 - “(d) the building consent authority is satisfied, on reasonable grounds, that all certificates of work required by the approved quality assurance system—
 - “(i) are correct; and
 - “(ii) meet the requirements of the approved quality assurance system; and
 - “(iii) provide evidence that the building work to which the consent relates complies with the building consent; and
 - “(iv) are signed by appropriately qualified persons; and
 - “(e) the building consent authority is satisfied, on reasonable grounds, that the process requirements in the approved quality assurance system have been met and that all verification of building consent compliance has been made in accordance with the approved quality assurance system; and
 - “(f) there are no outstanding notices to fix in respect of the building work to which the building consent relates.
- “(2) In deciding whether to issue a consent completion certificate under this section, a building consent authority must have regard to whether a building method or product to which a current warning or ban under section 26(2) relates has, or may have, been used or applied in the building work to which the consent completion certificate would relate.
- “(3) If the owner fails to provide to a building consent authority an energy work certificate for energy work in respect of which a commercial building consent has been granted, the failure is a

sufficient reason for the building consent authority to refuse to issue a consent completion certificate in respect of the energy work.

- “(4) If a development contribution has been required to be paid or made under section 198 of the Local Government Act 2002, a building consent authority that is other than the territorial authority that made the requirement must refuse to issue a consent completion certificate in respect of the relevant building work until the building consent authority has received—
- “(a) evidence that the development contribution has been paid or made by the owner concerned to the territorial authority; or
 - “(b) a copy of a written agreement between the owner and the territorial authority that the consent completion certificate may be issued.
- “(5) Subsection (1) is subject to subsection (4).”

36 Issue of code compliance certificate

- (1) The heading to section 95 is amended by omitting “**code compliance certificate**” and substituting “**consent completion certificate**”.
- (2) Section 95 is amended by omitting “code compliance certificate” and substituting “consent completion certificate”.
- (3) Section 95 is amended by repealing paragraph (c) and substituting the following paragraph:
 - “(c) on payment of any fees and charges imposed by the building consent authority under section 240.”

37 Refusal to issue code compliance certificate

- (1) The heading to section 95A is amended by omitting “**code compliance certificate**” and substituting “**consent completion certificate**”.
- (2) Section 95A is amended by omitting “code compliance certificate” and substituting “consent completion certificate”.

38 Territorial authority may issue certificate of acceptance in certain circumstances

- (1) Section 96(1)(c) and (d)(iii) are amended by omitting “code compliance certificate” and substituting in each case “consent completion certificate”.
- (2) Section 96(1)(d)(iv) is amended by omitting “2010.” and substituting “2010; or”.
- (3) Section 96(1) is amended by adding the following paragraph:
“(e) if a building consent authority has under section 52F re-designated the building consent relating to the work.”

39 How to apply for certificate of acceptance

Section 97 is amended by repealing paragraph (d) and substituting the following paragraph:

- “(d) be accompanied by any fees and charges imposed by the territorial authority under section 219; and”.

40 Requirement for compliance schedule

Section 100 is amended by adding the following subsections:

- “(4) The requirement in subsections (1) and (2) that a building have a compliance schedule if it has a cable car attached to it or servicing it is satisfied, in the case of a cable car that is attached to or services more than 1 building, if any of the buildings in question have a compliance schedule for the cable car.
- “(5) Except to the extent that it provides, subsection (4) does not relieve an owner of any of the obligations under sections 105 to 110.”

41 New section 102 substituted

Section 102 is repealed and the following section substituted:

“102 When compliance schedule must be issued

- “(1) A building consent authority must issue a compliance schedule if—
- “(a) the compliance schedule, or an amended compliance schedule, is required as a result of building work; and
 - “(b) the building consent authority is satisfied, on reasonable grounds, that the specified systems for the building are

capable of performing to the performance standards for those systems.

- “(2) A compliance schedule that is issued under subsection (1) must be issued with the relevant code compliance certificate or consent completion certificate.
- “(3) A territorial authority must issue a compliance schedule on an application under section 102A if the territorial authority is satisfied, on reasonable grounds, that the specified systems for the building are capable of performing to the performance standards for those systems.”

42 New section 102A inserted

The following section is inserted after section 102:

“102A Procedure for obtaining compliance schedule where building consent not required

- “(1) This section applies when an owner of a building for which a compliance schedule is required under section 100 must obtain a compliance schedule but is not required to apply for a building consent in relation to the building because, for example, no building work is being carried out.
- “(2) The owner must apply in the prescribed form (if any) to the appropriate territorial authority for the issue of a compliance schedule by providing the authority with—
- “(a) a description of all specified systems for the building and the performance standards for each of them; and
 - “(b) the proposed inspection, maintenance, and reporting procedures for the specified systems.”

43 Content of compliance schedule

Section 103 is amended by repealing subsection (1) and substituting the following subsection:

- “(1) A compliance schedule must—
- “(a) state and describe each of the specified systems covered by the compliance schedule, including a statement of the type and (if known) make of each specified system; and
 - “(b) state the performance standards for the specified systems; and

- “(c) describe the inspection, maintenance, and reporting procedures to be followed by independently qualified persons or other persons in respect of the specified systems to ensure that those systems are capable of, and are, performing to the performance standards.”

44 Obligations of owner if compliance schedule is issued

Section 105 is amended by repealing paragraph (e) and substituting the following paragraph:

- “(e) that, for the first 12 months of the period of the compliance schedule, there is displayed publicly in the building so that users of the building can have access to it a statement by the territorial authority in the prescribed form that contains the following information:
 - “(i) the specified systems covered by the compliance schedule; and
 - “(ii) the place where the compliance schedule is held; and
 - “(iii) any other prescribed information.”

45 Application by owner for amendment to compliance schedule

- (1) Section 106 is amended by repealing subsection (2) and substituting the following subsections:
 - “(2) However, the owner must apply to the territorial authority for an amendment to a compliance schedule for the building if—
 - “(a) the owner considers that the amendment is required to ensure that the specified systems are performing, and will continue to perform, to the performance standards for those systems; or
 - “(b) as a result of an amendment to this Act or any regulation made under it, the compliance schedule—
 - “(i) no longer complies with the requirements of this Act or any regulations made under it; or
 - “(ii) contains information that is no longer required under this Act or any regulations made under it.
- “(2A) An application under subsection (2)(b) must be made before the next anniversary of the issue of the compliance schedule following the amendment of the Act or regulation that results

in the compliance schedule becoming non-compliant or containing information that is no longer required.”

- (2) Section 106(3) is amended by repealing paragraph (c) and substituting the following paragraph:

“(c) pay any fees and charges imposed by the territorial authority under section 219.”

46 Territorial authority may amend compliance schedule on own initiative

Section 107 is amended by repealing subsection (5).

47 Annual building warrant of fitness

- (1) Section 108(3)(c) and (d) are amended by omitting “a licensed building practitioner” and substituting in each case “an independently qualified person”.

- (2) Section 108(4) is amended by adding “or, if the compliance schedule relates only to a cable car, publicly display the copy of the building warrant of fitness in or near the cable car”.

- (3) Section 108 is amended by repealing subsection (7) and substituting the following subsection:

“(7) In subsection (3)(d), a reference to an independently qualified person is a reference to the independently qualified person or independently qualified persons who carried out or supervised the inspection, maintenance, and reporting procedures stated in the compliance schedule during the previous 12 months.”

48 Territorial authority must consider recommendation to amend compliance schedule

Section 109 is amended by omitting “a licensed building practitioner” and substituting “an independently qualified person”.

49 Owner must obtain reports on compliance schedule

Section 110(a) is amended by omitting “licensed building practitioner” and substituting “independently qualified person”.

50 Inspections by territorial authority

Section 111 is amended by repealing subsection (2).

51 Meaning of dangerous building

Section 121(1)(b) is amended by omitting “because of fire hazard or the occupancy of the building”.

52 Issue of notice to fix

- (1) Section 164(1)(c) is amended by omitting “with.” and substituting “with; or”.
- (2) Section 164(1) is amended by adding the following paragraph:
“(d) in the case of commercial building work, an approved quality assurance system has not been complied with.”
- (3) Section 164(2)(c) is amended by omitting “schedule.” and substituting “schedule; or”.
- (4) Section 164(2) is amended by adding the following paragraph:
“(d) to properly comply with the approved quality assurance system.”

53 New section 168A inserted

The following section is inserted before section 169:

“168A Chief executive’s functions in relation to this Act

The chief executive must—

- “(a) take all necessary steps for the implementation and administration of this Act; and
- “(b) review the Act as necessary.”

54 Meaning of party

- (1) Section 176 is amended by repealing paragraph (c) and substituting the following paragraph:
“(c) the owner or, if there is more than 1 owner, any of the owners:”.
- (2) Section 176 is amended by inserting the following paragraph after paragraph (d):
“(da) any person to whom a notice to fix relating to the relevant building work has been issued under section 164:”.

55 Application for determination

- (1) Section 177(2)(c) and (d) are amended by omitting “code compliance certificate” and substituting in each case “consent completion certificate”.
- (2) Section 177(2) is amended by adding the following paragraph:
 - “(g) in the case of commercial building work,—
 - “(i) a risk profile or an approved risk profile:
 - “(ii) a quality assurance system or an approved quality assurance system.”

56 Appeals to District Court

Section 208(1) is amended by repealing paragraph (aa) and substituting the following paragraph:

“(aa) a direction as to costs given under section 190(2); or”.

57 Territorial authority must keep information about buildings

- (1) Section 216(2)(b)(iva) is amended by omitting “memoranda” and substituting “records of work and certificates of work”.
- (2) Section 216(2)(b) is amended by inserting the following paragraphs after paragraph (iva):
 - “(ivb) statutory declarations provided by owner-builders:
 - “(ivc) if applicable, the specified intended life of the building.”
- (3) Section 216 is amended by inserting the following subsection after subsection (2):

“(2A) The information that must be kept by a territorial authority under subsection (1) also includes any of the following information issued or received by the territorial authority in respect of a building:

 - “(a) consent completion certificates:
 - “(b) in the case of a building for which a commercial building consent has been granted,—
 - “(i) approved risk profiles:
 - “(ii) approved quality assurance systems:
 - “(iii) third-party reviews:
 - “(iv) safety system commissioning reviews:

“(c) any other records that relate to the information referred to in paragraphs (a) and (b).”

(4) Section 216 is amended by adding the following subsection:

“(4) A territorial authority must keep the information referred to in subsection (2A) at least for the life of the building to which the information relates.”

58 Access to certain information kept by territorial authority

Section 217(1)(a) is amended by omitting “and (2)” and substituting “to (2A)”.

59 Territorial authority may impose fee or charge and must collect levy

Section 219(1)(a) is amended by omitting “charge” and substituting “charge (or both)”.

60 Inspections by territorial authority

The definition of **inspection** in section 222(4) is amended by repealing paragraph (a)(iii) and substituting the following subparagraphs:

“(iii) a notice to fix has been complied with; or

“(iv) in the case of work carried out under a commercial building consent, the approved quality assurance system is being complied with.”

61 Duty to assist inspections

Section 223(2) is amended by repealing paragraph (c) and substituting the following paragraph:

“(c) any person engaged in the building work, including an owner-builder and any unpaid friend or family member of the owner-builder engaged to assist him or her in the building work.”

62 Duties of building consent authority

(1) Section 238(1)(c) is amended by omitting “subsection (2)” and substituting “subsections (2) and (2A)”.

(2) Section 238(2)(b) is amended by inserting the following subparagraphs after subparagraph (iv):

- “(iva) if applicable, the intended life of the building:
- “(ivb) statutory declarations provided by an owner-builder:
- “(ivc) records of work and certificates of work provided by licensed building practitioners under section 45(2) or 88(1)(a):”.

(3) Section 238 is amended by inserting the following subsection after subsection (2):

“(2A) The information referred to in subsection (1)(b) also includes the following information issued or received by the building consent authority in respect of a building:

- “(a) consent completion certificates:
- “(b) in the case of a building for which a commercial building consent has been granted,—
 - “(i) approved risk profiles:
 - “(ii) approved quality assurance systems:
 - “(iii) third-party reviews:
 - “(iv) safety system commissioning reviews:
- “(c) any other records that relate to the information referred to in paragraphs (a) and (b).”

63 Building consent authority may impose fee or charge and must collect levy

Section 240(1)(a) is amended by omitting “charge” and substituting “charge (or both)”.

64 Regional authorities may impose fee or charge and recover costs, and must collect levy

Section 243(1)(a) is amended by omitting “charge” and substituting “charge (or both)”.

65 New subpart 9 of Part 3 added

Part 3 is amended by adding the following subpart:

“Subpart 9—Fees, charges, and additional
costs

“281A What fees and charges may be imposed

- “(1) This section applies when a territorial authority, building consent authority, or a regional authority (in this section and in sections 281B to 281D called the **authority**) imposes a fee or charge (or both) under section 219, 240, or 243 for a function or service performed by the authority under this Act.
- “(2) Each authority has a discretion as to how the fee or charge is charged or set and how it may be paid or collected, and may (by way of example and without limiting an authority’s discretion)—
- “(a) charge a fixed or variable fee:
 - “(b) require a deposit and then further payment:
 - “(c) require full payment at the outset:
 - “(d) charge on the basis of an hourly rate or any other rate or method of charging.
- “(3) An authority may impose a fee or charge whether or not the function or service in question is performed on the application of another person or on the initiative of the authority itself.

“281B Authority may increase fee or charge to meet additional cost

- “(1) If a fee or a charge imposed by an authority for a function or service performed by the authority under this Act is, in any particular case, inadequate to meet the authority’s actual and reasonable costs in performing that function or service, the authority may increase the amount of the fee or charge to meet the additional cost.
- “(2) The authority must, on request by the person liable to pay the increased fee or charge, provide an estimate of the increase in the fee or charge.

“281C Authority may waive or refund fee or charge

An authority may, in its discretion, waive or refund, in whole or in part, any fee or charge imposed by it for a function or service performed by it under this Act.

“281D Validity of previous fees, charges, and additional costs

- “(1) This section applies to a fee, charge, or additional cost that was imposed by, paid to, or collected by an authority before the commencement of this section.
- “(2) Any question relating to the validity of the fee, charge, or additional cost must be determined as if sections 281A and 281B were in force at the time of the imposition, payment, or collection of the fee, charge, or additional cost.
- “(3) Nothing in this section affects the validity of a fee, charge, or additional cost that is the subject of a proceeding that was commenced before the commencement of this section.”

66 Purposes of licensing building practitioners

- (1) Section 282A(b) is amended by omitting “it.” and substituting “it; and”.
- (2) Section 282A is amended by adding the following paragraph:
- “(c) to license building practitioners so that, in regard to low-risk building work or simple residential work for which the appropriate building consent has been granted, licensed building practitioners can carry it out or supervise it.”

67 Licensing classes may be designated by regulations

Section 285 is amended by adding the following subsection as subsection (2):

- “(2) An order made under subsection (1) may designate a licensing class or classes for carrying out the work, or for supervising the work, or for carrying out or supervising the work.”

68 Registrar must contact licensed building practitioners on annual basis

Section 303 is amended by adding the following subsection:

- “(6) The levy may be applied to costs and other expenses incurred in the licensing and disciplining of building practitioners under this Act, including the costs of the operation and administration of the Board.”

69 New heading and sections 314A and 314B inserted

The following heading and sections are inserted after section 314:

“Code of ethics and competence

“314A Code of ethics for licensed building practitioners

The Governor-General may, by Order in Council made on the recommendation of the Minister, prescribe a code or codes of minimum standards of ethical conduct for licensed building practitioners or classes of licensed building practitioners.

“314B Licensed building practitioner must work within competence

A licensed building practitioner must—

- “(a) not misrepresent his or her competence:
- “(b) carry out or supervise building work only within his or her competence.”

70 Grounds for discipline of licensed building practitioners

- (1) Section 317(1)(c) is amended by inserting “(other than as an owner-builder)” after “carried out”.
- (2) Section 317(1)(da) is amended by inserting “(other than as an owner-builder)” after—
 - (a) “carry out”; and
 - (b) “carried out”.
- (3) Section 317(1)(da)(i) is amended by omitting “memorandum, in accordance with section 45(2)(b),” and substituting “certificate of work”.
- (4) Section 317(1)(da)(ii) is amended by omitting “memorandum” and substituting “record of work”.
- (5) Section 317(1)(e)(iii) is amended by omitting “genuine.” and substituting “genuine; or”.
- (6) Section 317(1) is amended by adding the following paragraphs:
 - “(f) a licensed building practitioner has failed, without good reason, to provide to the owner the record of work referred to in clause 1(b) of Schedule 1E or clause 1(b) of Schedule 1F; or

- “(g) a licensed building practitioner has breached the code of ethics prescribed under section 314A; or
- “(h) a licensed building practitioner has breached section 314B; or
- “(i) a licensed building practitioner has conducted himself or herself in a manner that brings, or is likely to bring, the regime under this Act for licensed building practitioners into disrepute.”

71 Board’s functions

Section 343 is amended by adding the following subsection as subsection (2):

- “(2) The Board may, in accordance with clause 34 of Schedule 3, delegate any or all of its functions under subsection (1)(b) or (c) to a subcommittee of the Board appointed under that clause.”

72 Protecting safety of members of public using premises open to public or intended for public use

Section 363(1)(b)(i) and (c)(i) are amended by omitting “code compliance certificate” and substituting in each case “consent completion certificate”.

73 Public use of premises may be allowed before issue of code compliance certificate in some circumstances

Section 363A(1)(b) and (6) and the heading to section 363A are amended by omitting “code compliance certificate” and substituting in each case “consent completion certificate”.

74 Section 363B repealed

Section 363B is repealed.

75 New section 363C substituted

Section 363C is repealed and the following section substituted:

“363C Section 363 does not apply to building work commenced before 31 March 2005

- “(1) Section 363(1) does not apply to building work commenced before 31 March 2005.

“(2) Subsection (1) applies whether or not the work was completed before, on, or after 31 March 2005.”

76 Strict liability and defences

Section 388 is amended by adding the following subsection:

“(3) To avoid doubt, the offences created by sections 52Y, 84B, 86, 116B, 326, 365, 367, 368, and 369 are not strict liability offences.”

77 Civil proceedings against building consent authorities

Section 391 is amended by omitting “or a code compliance certificate” and substituting “, a code compliance certificate, or a consent completion certificate”.

78 Building consent authority not liable

Section 392(1) is amended by repealing paragraph (d) and substituting the following paragraph:

“(d) a code compliance certificate or a consent completion certificate issued under this Act.”

79 Limitation defences

Section 393(3)(a) is amended by omitting “or a code compliance certificate” and substituting “, a code compliance certificate, or a consent completion certificate”.

80 Regulations: acceptable solutions, verifications, etc, that must be complied with in order to comply with building code

Section 401(2) is amended by omitting “code compliance certificate” and substituting “consent completion certificate”.

81 New section 401A inserted

The following section is inserted after section 401:

“401A Regulations: building consents and consent completion certificates

The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that—

- “(a) define low-risk building work including by specifying any or all of the following: the nature of the building work, the circumstances in which it may be carried out, or the conditions for carrying it out:
- “(b) define simple residential building work:
- “(c) define commercial building work:
- “(d) prescribe types or categories of commercial building work for which a commercial building consent is required:
- “(e) prescribe types or categories of commercial building work for which an application for either a commercial building consent or a standard building consent may be made:
- “(f) prescribe those aspects of plans and specifications accompanying an application for a simple residential building consent that must be considered by a building consent authority when deciding whether to grant the consent:
- “(g) for the purpose of a determination by a building consent authority whether to issue a consent completion certificate in respect of simple residential building work, prescribe—
 - “(i) the maximum inspections that are required; and
 - “(ii) the nature of those inspections:
- “(h) prescribe the criteria for determining the risk profile of a commercial building:
- “(i) prescribe the matters that must be included in a quality assurance system, including prescribing different matters for different types or categories of commercial building work:
- “(j) define safety system.”

82 New section 401B inserted

The following section is inserted above section 402:

“401B Order in Council declaring work to be restricted building work

- “(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, declare any kind of building work (other than building work for which a building consent

is not required) or any kind of design work to be restricted building work.

- “(2) An order under subsection (1) may apply to any kind of building work or design work generally, or may apply to building work or design work in relation to particular types or categories of buildings or to particular parts of buildings.
- “(3) The Minister may recommend the making of an order under this section only if the Minister is satisfied that the kind of building work or design work in question is (or is likely to be) critical to the integrity of a building or part of a building.
- “(4) Building work or design work is not restricted building work if it relates to an application for a building consent made before the commencement of an order under subsection (1) declaring building work or design work of the same kind to be restricted building work.”

83 Regulations: general

- (1) Section 402(1)(d) is amended by omitting “performance of the Registrar’s functions” and substituting “licensing, disciplining, and registration of building practitioners”.
- (2) Section 402(1) is amended by inserting the following paragraph after paragraph (d):
- “(da) providing for waivers and refunds of the whole or any part of a fee or charge referred to in paragraph (d):”.
- (3) Section 402(1)(e) is amended by omitting “for, or in connection with, the costs of the operation and administration of the Board”.
- (4) Section 402(1) is amended by repealing paragraph (n).
- (5) Section 402(1) is amended by repealing paragraph (o) and substituting the following paragraph:
- “(o) prescribing systems or parts of systems that amount to specified systems for the purposes of this Act:”.

84 Transitional provision for building consents granted under former Act

Section 433(2)(b) is amended by omitting “code compliance certificate” and substituting “consent completion certificate”.

- 85 Transitional provision for code compliance certificates in respect of building work carried out under building consent granted under former Act**
- (1) The heading to section 436 is amended by omitting “**code compliance certificates**” and substituting “**consent completion certificates**”.
- (2) Section 436(2) and (3)(b)(i) are amended by omitting “code compliance certificate” and substituting in each case “consent completion certificate”.
- 86 Transitional provision for issue of certificate of acceptance**
- Section 437(1)(b)(ii) is amended by omitting “code compliance certificate” and substituting “consent completion certificate”.
- 87 Transitional provision for code compliance certificates and compliance schedules issued under former Act**
- Section 438(2), (4), and (5) are repealed.
- 88 Schedule 1 amended**
- (1) The Schedule 1 heading is amended by omitting “s 41(1)(b)” and substituting “s 42(1)(b)”.
- (2) Paragraph (ad) of Schedule 1 is amended by omitting “section 3 of the Plumbers, Gasfitters, and Drainlayers Act 1976” and substituting “section 6 of the Plumbers, Gasfitters, and Drainlayers Act 2006”.
- 89 New Schedules 1A to 1H inserted**
- The Schedules 1A to 1H set out in the Schedule of this Act are inserted after Schedule 1 of the principal Act.
- 90 Schedule 3 amended**
- Schedule 3 is amended by adding the following clause:
- “34 Appointment of subcommittee to deal with complaints and licensing appeals**
- “(1) The Board may appoint 1 or more subcommittees of the Board and by written notice may delegate to a subcommittee any or all of its functions under section 343(b) and (c).

- “(2) A subcommittee must have no fewer than 3 members.
- “(3) The members of a subcommittee must be members of the Board, and the Board must nominate 1 of the members as the chairperson of the subcommittee.
- “(4) The Board must regulate the procedure of its subcommittees as it thinks fit, and may at any time discharge, alter, or reconstitute a subcommittee.
- “(5) A delegation under this clause may be revoked at any time, and the delegation of a function of the Board does not prevent the Board from exercising that function itself.”

Part 2

Miscellaneous provisions

91 Amendment to Local Government Act 2002

- (1) This section amends the Local Government Act 2002.
- (2) Section 22 is amended by repealing subsection (2) and substituting the following subsections:
 - “(2) Subsection (1)—
 - “(a) does not apply at all in relation to any of the following:
 - “(i) the territorial sea; or
 - “(ii) the Kermadec Islands; or
 - “(iii) the Sub-Antarctic Islands (which include the Antipodes Islands, the Auckland Islands, the Bounty Islands, Campbell Island and the islands adjacent to Campbell Island, and the Snares Islands); and
 - “(b) does not apply in relation to the Three Kings Islands (which include Great Island, South West Island, West Island, North East Island, and several islets and rock stacks) for the purposes of the Building Act 2004.
- “(3) For the purposes of the Building Act 2004,—
 - “(a) the Minister of Local Government is the territorial authority for any part of New Zealand referred to in subsection (1); and
 - “(b) the Minister of Conservation is the territorial authority for the islands referred to in subsection (2).”

92 Transitional provisions for section 91

- (1) In this section, **transition period** means—

- (a) the period of 18 months from the commencement of this section; or
 - (b) a shorter period than 18 months from the commencement of this section ending on a date determined by the Minister of Conservation (the **Minister**) and notified in the *Gazette*.
- (2) During the transition period, the following provisions of the Building Act 2004 do not apply to the Minister in his or her capacity as a territorial authority under section 22 of the Local Government Act 2002:
- (a) section 212;
 - (b) section 215.
- (3) During the transition period, none of the following persons is liable, and no proceeding may be brought against any of them, for any thing done or omitted to be done under the Building Act 2004 from the commencement of that Act until the close of the transition period on or in relation to the islands referred to in section 22(2) of the Local Government Act 2002 after amendment by this Act:
- (a) the Minister;
 - (b) the Minister of Local Government;
 - (c) the Department of Conservation;
 - (d) any employee or agent of the Department of Conservation.

93 Consequential and other amendments

- (1) Section 10B(3)(b) of the Resource Management Act 1991 is amended by inserting “or a consent completion certificate” after “code compliance certificate”.
- (2) Section 10B(3)(c) of the Resource Management Act 1991 is amended by inserting “or a consent completion certificate” after “code compliance certificate”.
- (3) Section 208(b) of the Local Government Act 2002 is amended by omitting “code compliance certificate” and substituting “consent completion certificate”.
- (4) Section 209(1)(b) of the Local Government Act 2002 is amended by omitting “52” and substituting “52E”.

- (5) Section 34(2) of the Historic Places Act 1993 is amended by omitting “34(1)(b)” and substituting “35(1)(b)”.

94 Local Government (Auckland Transitional Provisions) Fees and Charges Regulations 2010 amended

- (1) This section amends the Local Government (Auckland Transitional Provisions) Fees and Charges Regulations 2010.
- (2) Regulation 6(2) is amended by omitting “(as amended by regulation 14)”.
- (3) Regulation 6 is amended by revoking subclause (3).
- (4) Regulation 10 is amended by revoking subclause (2).
- (5) Regulation 11 is amended by revoking subclause (2).
- (6) Regulation 12(3) is amended by revoking paragraph (a).
- (7) Regulation 14 is revoked.

95 Transitional provisions

- (1) In this section, **commencement date** means the day on which this section comes into force.
- (2) This section applies to—
- (a) an application for a building consent or a code compliance certificate that was made under the Building Act 2004 before the commencement date and that has not been issued before the commencement date:
 - (b) a building consent that was issued under the Building Act 2004 before the commencement date:
 - (c) a code compliance certificate that was issued under the Building Act 2004 before the commencement date.
- (3) On and after the commencement date,—
- (a) an application for a building consent to which this section applies must be treated as if it were an application for a standard building consent:
 - (b) an application for a code compliance certificate to which this section applies must be treated as if it were an application for a consent completion certificate:
 - (c) a building consent to which this section applies must be treated as if it were a standard building consent:

- (d) a code compliance certificate to which this section applies must be treated as if it were a consent completion certificate.
-

Schedule

s 89

New Schedules 1A to 1H inserted**Schedule 1A**ss 48(a), 52G, 52H,
317(1)(da)(i)**Requirements for application for low-risk
building consent**

- 1 An application for a low-risk building consent (the **application**) must—
 - (a) be in the prescribed form; and
 - (b) be accompanied by plans and specifications that are—
 - (i) required by regulations made under section 402; or
 - (ii) if the regulations do not so require, required by a building consent authority; and
 - (c) if a national multiple-use approval has been issued in relation to some or all of the plans and specifications required under paragraph (b), be accompanied by—
 - (i) a copy of that national multiple-use approval; and
 - (ii) details of any proposed minor customisations; and
 - (d) contain or be accompanied by any other information that the building consent authority reasonably requires; and
 - (e) be accompanied by any fees and charges imposed by the building consent authority under section 240; and
 - (f) if the work is required to be carried out by a licensed building practitioner, state the name of each licensed building practitioner who will be involved in carrying out or supervising the building work; and
 - (g) if the owner applies for a project information memorandum for the building work under section 32 and the project information memorandum is then issued, be accompanied by—
 - (i) the project information memorandum; and
 - (ii) a development contribution notice under section 36 (if any); and
 - (iii) a certificate issued under section 37 (if any); and
 - (h) be accompanied by either of the following:

Schedule 1A—*continued*

- (i) if a compliance schedule is required as a result of the building work, a description of all specified systems for the building and the performance standards for each of them; or
 - (ii) if an amendment to an existing compliance schedule is required as a result of the building work, a description of all specified systems, and the performance standards for each of them, that are being—
 - (A) altered in the course of the building work;
 - (B) added to the building in the course of the building work;
 - (C) removed from the building in the course of the building work.
- 2 If the application is accompanied by plans and specifications that contain design work that is required by this Act or regulations to be carried out or supervised by a licensed building practitioner, those plans and specifications must be accompanied by a certificate of work—
 - (a) provided by the licensed building practitioner or practitioners who carried out or supervised that design work; and
 - (b) that identifies that design work; and
 - (c) that states—
 - (i) that the design work complies with the building code; or
 - (ii) whether waivers or modifications of the building code are required and, if so, what those waivers or modifications are.
- 3 An application for an amendment to a low-risk building consent must,—
 - (a) in the case of a minor variation, be made in accordance with section 52C; and
 - (b) in all other cases, be made as if it were an application for a low-risk building consent, and this schedule and

Schedule 1A—*continued*

sections 51 to 52B apply with any necessary modifications.

Schedule 1Bss 48(b), 52J, 52K,
317(1)(da)(i)**Requirements for application for simple residential building consent**

- 1 An application for a simple residential building consent (the **application**) must—
- (a) be in the prescribed form; and
 - (b) be accompanied by plans and specifications that are—
 - (i) required by regulations made under section 402; or
 - (ii) if the regulations do not so require, required by a building consent authority; and
 - (c) if a national multiple-use approval has been issued in relation to some or all of the plans and specifications required under paragraph (b), be accompanied by—
 - (i) a copy of that national multiple-use approval; and
 - (ii) details of any proposed minor customisations; and
 - (d) contain or be accompanied by any other information that the building consent authority reasonably requires; and
 - (e) be accompanied by any fees and charges imposed by the building consent authority under section 240; and
 - (f) state the name of each licensed building practitioner who, as far as the applicant is aware at the time the application is made, will be involved in carrying out or supervising the building work; and
 - (g) if the owner applies for a project information memorandum for the building work under section 32 and the project information memorandum is then issued, be accompanied by—
 - (i) the project information memorandum; and
 - (ii) a development contribution notice under section 36 (if any); and
 - (iii) a certificate issued under section 37 (if any); and
 - (h) be accompanied by either of the following:
 - (i) if a compliance schedule is required as a result of the building work, a description of all speci-

Schedule 1B—*continued*

- fied systems for the building and the performance standards for each of them; or
- (ii) if an amendment to an existing compliance schedule is required as a result of the building work, a description of all specified systems, and the performance standards for each of them, that are being—
 - (A) altered in the course of the building work;
 - (B) added to the building in the course of the building work;
 - (C) removed from the building in the course of the building work.
- 2 If the application is accompanied by plans and specifications that contain design work that is required by this Act to be carried out or supervised by a licensed building practitioner, those plans and specifications must be accompanied by a certificate of work—
- (a) provided by the licensed building practitioner or practitioners who carried out or supervised that design work; and
 - (b) that identifies that design work; and
 - (c) that states—
 - (i) that the design work complies with the building code; or
 - (ii) whether waivers or modifications of the building code are required and, if so, what those waivers or modifications are.
- 3 An application for an amendment to a simple residential building consent must,—
- (a) in the case of a minor variation, be made in accordance with section 52C; and
 - (b) in all other cases, be made as if it were an application for a simple residential building consent, and this schedule and sections 51 to 52B apply with any necessary modifications.
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Schedule 1C ss 48(c), 52M, 52N, 87A,
317(1)(da)(i)

**Requirements for application for
standard building consent**

- 1 An application for a standard building consent (the **application**) must—
 - (a) be in the prescribed form; and
 - (b) be accompanied by plans and specifications that are—
 - (i) required by regulations made under section 402; or
 - (ii) if the regulations do not so require, required by a building consent authority; and
 - (c) if a national multiple-use approval has been issued in relation to some or all of the plans and specifications required under paragraph (b), be accompanied by—
 - (i) a copy of that national multiple-use approval; and
 - (ii) details of any proposed minor customisations; and
 - (d) contain or be accompanied by any other information that the building consent authority reasonably requires; and
 - (e) be accompanied by any fees and charges imposed by the building consent authority under section 240; and
 - (f) state the name of each licensed building practitioner who, as far as the applicant is aware at the time the application is made, will be involved in carrying out or supervising the restricted building work; and
 - (g) if the owner applies for a project information memorandum for the building work under section 32 and the project information memorandum is then issued, be accompanied by—
 - (i) the project information memorandum; and
 - (ii) a development contribution notice under section 36 (if any); and
 - (iii) a certificate issued under section 37 (if any); and
 - (h) be accompanied by either of the following:
 - (i) if a compliance schedule is required as a result of the building work, a description of all speci-

Schedule 1C—*continued*

- fied systems for the building and the performance standards for each of them; or
- (ii) if an amendment to an existing compliance schedule is required as a result of the building work, a description of all specified systems, and the performance standards for each of them, that are being—
 - (A) altered in the course of the building work;
 - (B) added to the building in the course of the building work;
 - (C) removed from the building in the course of the building work.
- 2 The application must be accompanied by a statutory declaration, in the prescribed form, as to owner-builder status—
- (a) if the building work includes restricted building work to be carried out by the owner-builder; or
 - (b) if any accompanying plans or specifications contain design work that is restricted building work and that has been carried out by the owner-builder.
- 3 If the application is accompanied by plans and specifications that contain design work that is restricted building work required by this Act to be carried out or supervised by a licensed building practitioner, those plans and specifications must be accompanied by a certificate of work—
- (a) provided by the licensed building practitioner or practitioners who carried out or supervised that design work; and
 - (b) that identifies that design work; and
 - (c) that states—
 - (i) that the design work complies with the building code; or
 - (ii) whether waivers or modifications of the building code are required and, if so, what those waivers or modifications are.
- 4 An application for an amendment to a standard building consent must,—

Schedule 1C—*continued*

- (a) in the case of a minor variation, be made in accordance with section 52C; and
 - (b) in all other cases, be made as if it were an application for a standard building consent, and this schedule and sections 51 to 52B apply with any necessary modifications.
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Schedule 1Dss 48(d), 52R, 52S,
317(1)(da)(i)**Requirements for application for
commercial building consent**

- 1 An application for a commercial building consent must—
- (a) be in the prescribed form; and
 - (b) be accompanied by the written approval of the risk profile and the quality assurance system; and
 - (c) be accompanied by the plans and specifications that are—
 - (i) required by regulations made under section 402; or
 - (ii) if the regulations do not so require, required by a building consent authority; and
 - (d) if a national multiple-use approval has been issued in relation to some or all of the plans and specifications required under paragraph (c), be accompanied by—
 - (i) a copy of that national multiple-use approval; and
 - (ii) details of any proposed minor customisations; and
 - (e) contain or be accompanied by any other information that the building consent authority reasonably requires; and
 - (f) be accompanied by any fees and charges imposed by the building consent authority under section 240; and
 - (g) in the case of an application for a commercial building consent that relates to restricted building work, state the name of each licensed building practitioner who, as far as the applicant is aware at the time the application is made, will be involved in carrying out or supervising the restricted building work that is the subject of the application; and
 - (h) if the owner applies for a project information memorandum for the building work under section 32 and the project information memorandum is then issued, be accompanied by—
 - (i) the project information memorandum; and
 - (ii) a development contribution notice under section 36 (if any); and

Schedule 1D—*continued*

- (iii) a certificate issued under section 37 (if any); and
 - (i) be accompanied by either of the following:
 - (i) if a compliance schedule is required as a result of the building work, a description of all specified systems for the building and the performance standards for each of them; or
 - (ii) if an amendment to an existing compliance schedule is required as a result of the building work, a description of all specified systems, and the performance standards for each of them, that are being—
 - (A) altered in the course of the building work;
 - (B) added to the building in the course of the building work;
 - (C) removed from the building in the course of the building work; and
 - (j) be accompanied by any certificates of work required by the approved quality assurance system that—
 - (i) relate to the design of the commercial building work or the design of any part of it; and
 - (ii) state that the plans and specifications comply with the building code; and
 - (k) be accompanied by any supporting third-party reviews (including any independently commissioned reviews) of the plans and specifications required by the approved quality assurance system; and
 - (l) be accompanied by a statement by the owner that all supporting documents evidencing compliance with the building code required by the approved quality assurance system have been signed by appropriately qualified persons.
- 2 If the application is accompanied by plans and specifications that contain design work that is restricted building work, those plans and specifications must be accompanied by a certificate of work—

Schedule 1D—*continued*

- (a) provided by the licensed building practitioner or practitioners who carried out or supervised that design work; and
 - (b) that identifies that design work; and
 - (c) that states—
 - (i) that the design work complies with the building code; or
 - (ii) whether waivers or modifications of the building code are required and, if so, what those waivers or modifications are.
- 3 An application for an amendment to a commercial building consent must,—
- (a) in the case of a minor variation, be made in accordance with section 52C; and
 - (b) in all other cases, be made as if it were an application for a standard building consent, and this schedule and sections 51 to 52B apply with any necessary modifications.
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Schedule 1E

ss 92(3)(a), 317(1)(f)

Requirements for application for consent completion certificate: Low-risk building consent

- 1 An application for a consent completion certificate in respect of building work carried out under a low-risk building consent must—
 - (a) be in the prescribed form; and
 - (b) if the work was required to be carried out by a licensed building practitioner, be accompanied by a record of work provided by each licensed building practitioner who carried out or supervised any of the building work and that record of work must—
 - (i) identify that building work; and
 - (ii) be signed by the licensed building practitioner; and
 - (iii) when read with the other records required by this paragraph in relation to the same low-risk building consent, cover all the building work carried out or supervised by a licensed building practitioner under that consent; and
 - (c) be accompanied by any other prescribed information.
 - 2 If any of the building work was restricted building work, the owner must include with the application any records of work provided by licensed building practitioners under section 88(1).
 - 3 If the building work comprises or includes energy work in respect of which a building consent has been granted, the owner must also include with the application any energy work certificate that relates to the energy work.
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Schedule 1F

ss 92(3)(b), 317(1)(f)

Requirements for application for consent completion certificate: Simple residential building consent

- 1 An application for a consent completion certificate in respect of building work carried out under a simple residential building consent must—
 - (a) be in the prescribed form; and
 - (b) be accompanied by a record of work provided by each licensed building practitioner who carried out or supervised any of the building work and that record of work must—
 - (i) identify that building work; and
 - (ii) be signed by the licensed building practitioner; and
 - (iii) when read with the other records required by this paragraph in relation to the same simple residential building consent, cover all the building work carried out or supervised by a licensed building practitioner under that consent; and
 - (c) be accompanied by any other prescribed information.
 - 2 If any of the building work was restricted building work, the owner must include with the application any records of work provided by licensed building practitioners under section 88(1).
 - 3 If the building work comprises or includes energy work in respect of which a building consent has been granted, the owner must also include with the application any energy work certificate that relates to the energy work.
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Schedule 1G

s 92(3)(c)

Requirements for application for consent completion certificate: Standard building consent

- 1 An application for a consent completion certificate in respect of building work carried out under a standard building consent must—
 - (a) be in the prescribed form; and
 - (b) be accompanied by any other prescribed information.
 - 2 If any of the building work was restricted building work, the owner must include with the application any records of work provided by licensed building practitioners under section 88(1).
 - 3 If the building work comprises or includes energy work in respect of which a building consent has been granted, the owner must also include with the application any energy work certificate that relates to the energy work.
 - 4 If the building work included restricted building work carried out by an owner-builder under the owner-builder exemption, the application must be accompanied by a statutory declaration by the owner-builder declaring that the restricted building work was carried out by him or her under that exemption.
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Schedule 1H

s 92(3)(d)

Requirements for application for consent completion certificate: Commercial building consent

- 1 An application for a consent completion certificate in respect of building work carried out under a commercial building consent must—
 - (a) be in the prescribed form; and
 - (b) be accompanied by the following:
 - (i) if a safety system commissioning review has not been undertaken by the building consent authority, a request by the owner that the building consent authority undertake a safety system commissioning review; and
 - (ii) a statement by the owner that all supporting documents evidencing compliance with the consent as required by the approved quality assurance system have been signed by appropriately qualified persons; and
 - (iii) certificates of work evidencing that the building work complies with the consent as required by the approved quality assurance system; and
 - (iv) any other certificates of work required by the approved quality assurance system; and
 - (v) any other prescribed information.
 - 2 If any of the building work was restricted building work, the owner must include with the application any records of work provided by licensed building practitioners under section 88(1).
 - 3 If the building work comprises or includes energy work in respect of which a building consent has been granted, the owner must also include with the application any energy work certificate that relates to the energy work.
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Legislative history

23 November 2010	Introduction (Bill 253–1)
9 December 2010	First reading and referral to Local Government and Environment Committee
28 June 2011	Reported from Local Government and Environment Committee (Bill 253–2)
28 February 2012	Second reading
6 March 2012	Committee of the whole House (Bill 253–3)
7 March 2012	Third reading
12 March 2012	Royal assent

This Act is administered by the Department of Building and Housing.
