

# **Building Amendment Bill (No 3)**

Government Bill

## **Explanatory note**

### **General policy statement**

The building and construction sector is vital for New Zealand's economic performance and prosperity. Since major building regulation reform changes in 2004, there has been a general improvement in building quality.

In 2009, the Government undertook a Building Act Review, which found that there remains a heavy reliance on building consent authorities for building quality and that there are concerns about costs, complexity, and delays in building consent processes. Change is needed to provide incentives for building professionals and tradespeople to take responsibility for the quality of their work and to stand behind it.

Legislative change is required to address these issues. This Bill is the first of 2 Bills to implement the Building Act Review policy decisions. This Bill—

- introduces a stepped risk-based approach to how building consent and inspection requirements are administered so that the role of the building consent authorities at each step is aligned with the risk involved:
- more clearly signals the accountabilities of participants involved in building design and construction:

- enhances accountability under the licensed building practitioners regime:
- provides for an owner-builder exemption from the restricted building work provisions of the Building Act 2004:
- repeals the offence of allowing the public use of a building without a code compliance certificate for building work commenced between 1992 and 2005:
- makes a number of changes to enhance and clarify the building warrant of fitness regime:
- makes a number of other minor and technical amendments.

### **Regulatory impact statements**

The Department of Building and Housing has produced 3 regulatory impact statements to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at—

- <http://www.dbh.govt.nz/buildingactreview>
- <http://www.dbh.govt.nz/lbp-streamlining>
- <http://www.dbh.govt.nz/owner-builder-exemption>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement provision. The Bill comes into force on a date (or dates, if it comes into force piecemeal) appointed by the Governor-General by Order in Council.

*Clause 3* is the umbrella amending provision.

## **Part 1**

### **Amendments to principal Act**

*Clause 4* replaces existing section 3 with a purpose provision that replicates existing section 3 but also adds a new paragraph relating to the accountabilities of building work participants.

*Clause 5* adds a paragraph to the statement of principles in section 4(2) relating to the accountabilities of building work participants.

*Clause 6* amends section 7, the interpretation provision. It repeals the definition of code compliance certificate. That term is replaced throughout the Act by consent completion certificate and, those amendments being self-explanatory, no further reference is made in this clause by clause analysis to them or their amending clauses. *Clause 6* also defines the key terms used in the substantive amendments to the Act.

*Clause 8* adds additional items to the negative definition of building in section 9.

*Clause 9* clarifies the responsibilities of the chief executive in section 11.

*Clause 10* adds a new subpart 4 to Part 1 of the Act. That subpart outlines the responsibilities of the various participants in the building process: owner, owner-builder, designer, builder, and building consent authority.

*Clause 14* substitutes a new heading above section 40 to reflect the reorganisation of existing provisions effected by *clause 15*.

*Clause 15*: this clause repeals existing sections 41 to 52 and substitutes new sections 41 to 52Y. These are a mixture of old and new. The existing sections have been carried over but redrafted and reorganised to fit within the new scheme of stepped consenting—that is, a hierarchy of building consents with different levels of regulation for different levels of building work. Accordingly, the structure of the new and the redrafted provisions is that general provisions that apply to all building consents appear first and provisions specific to the different types of building consent follow in the order of: low-risk building consent, simple residential building consent, standard building consent, and commercial building consent. For ease of readability and navigation, the requirements for an application for each type of building consent have been placed in new schedules of the Act—new Schedules 1A to 1D.

*Clause 16* amends section 53 to provide for a refund of the building levy payable under that section.

*Clauses 18 to 20*: broadly, *clause 18* amends the Act to expand and spread existing section 84 (which provides that a licensed building practitioner must carry out restricted building work) across 2 other categories of building work: low-risk and simple residential. For the categories of low-risk and simple residential building work, there are

replicated the offence provisions relating to carrying out or supervising restricted building work (existing section 85) and engaging a person who is not a licensed building practitioner to carry out or supervise restricted building work (existing section 86). Existing sections 85 and 86 are redrafted for sake of conformity (*clauses 19 and 20*).

*Clauses 21 and 22* anticipate the amendments effected by *clause 25*, the insertion of *new subpart 4A* of Part 2, establishing the entitlement of an owner-builder to carry out restricted building work. *Clause 22* inserts *new section 87A*, which prescribes an owner-builder's notification obligations to the building consent authority when an owner-builder carries out restricted building work.

*Clause 23* amends section 88 by removing the requirement for a certificate in relation to specified systems.

*Clause 24* amends the definition of inspection as used in section 90 to provide for inspections in relation to commercial building work.

*Clause 25* inserts *new subpart 4A* of Part 2. *New subpart 4A* comprises *new sections 90A to 90D*, which allow an exemption (the owner-builder exemption) to the requirement that restricted building work must be carried out or supervised by a licensed building practitioner. *New section 90B*, read with *new section 90C*, defines who is an owner-builder for the purposes of the exemption, which is contained in *new section 90D*.

*Clause 29* repeals and substitutes a *new section 92*, which prescribes the procedure for obtaining a consent completion certificate. The requirements for an application for a consent completion certificate are set out in *new Schedules 1E to 1H*, depending on the type of building work in question.

*Clause 31*: this clause repeals section 94 and substitutes *new sections 94 to 94C*. Broadly, the effect is to split out for each of the types of building consent—low-risk, simple residential, standard, and commercial—the requirements for the issue of a consent completion certificate for the work carried out under the relevant building consent.

*Clause 35*: the amendment to section 100 clarifies the requirement of a compliance schedule in the case of a building with a cable car.

*Clause 36* replaces existing section 102. *New section 102* contains a further condition (in *new section 102(1)(b)*) for the issue of a compliance certificate and, in *new section 102(3)*, picks up the provision

now made in *new section 102A* (see *clause 37*) for obtaining a compliance schedule in a case where the requirement for a compliance schedule has arisen without building work having been carried out.

*Clause 38* effects changes to the required contents of a compliance schedule.

*Clause 39* repeals existing section 105(e) and substitutes a redrafted *paragraph (e)* in which *new subparagraph (iii)* provides for additional prescribed information.

*Clause 40*: this clause amends section 106 to require an owner to apply for an amendment to a compliance schedule if (loosely) the compliance schedule becomes non-compliant as a result of changes to the Building Act 2004 or regulations made under it.

*Clauses 41 to 43*: the substitution in sections 108(3)(c) and (d), 109, and 110(a) of “an independently qualified person” for “a licensed building practitioner” follows from the repeal of certain provisions of section 438 by *clause 74*. A definition of independently qualified person is inserted in section 7 by *clause 6(2)*.

*Clause 44*: the meaning of dangerous building in section 121(1)(b) is broadened by the omission of the qualification of fire hazard or occupancy.

*Clauses 45 and 48(2)* update sections 164 and 177(2) respectively to accommodate commercial building work.

*Clause 46* inserts *new section 168A*, which defines the chief executive’s functions in relation to the Building Act 2004.

*Clause 47* adjusts the meaning of party in section 176 to include any of multiple owners and a person to whom a notice to fix has been issued.

*Clause 49* extends the appeal right in section 208(1)(aa).

*Clauses 50 and 53*: these clauses amend sections 216(2)(b) and 238(2)(b) respectively to accommodate the information and documents generated by the new stepped-consenting regime.

*Clause 51* amends the meaning of inspection in section 222(4) to include the taking of all reasonable steps to determine whether an approved quality assurance system is being complied with.

*Clause 52* amends section 223(2)(c) to include, in persons owing a duty to assist inspections, an owner-builder and any unpaid friend or family member of the owner-builder engaged to assist in the building work.

*Clause 54* adds a new paragraph to section 282A to refer to the function of licensed building practitioners carrying out or supervising low-risk or simple residential building work.

*Clause 55* adds a subsection to section 285 to clarify the scope of an Order in Council made under that section.

*Clause 56* adds a subsection to section 303 to clarify how the annual levy payable by licensed building practitioners may be applied.

*Clause 57* inserts *new sections 314A and 314B*. *New section 314A* provides for a code of ethics for licensed building practitioners, and *new section 314B* introduces the requirements that a licensed building practitioner must not misrepresent his or her competence and must undertake building work only within his or her competence. A breach of these new provisions constitutes a ground for disciplining a licensed building practitioner under *new section 317(1)(g) and (h)* (as added by *clause 58*).

*Clause 58* effects various amendments to section 317. The most significant are the additional grounds for disciplining a licensed building practitioner in *new section 317(1)(f) to (i)*.

*Clause 59* provides for the delegation to a subcommittee of the Building Practitioners Board's functions in relation to complaints and licensing appeals.

*Clause 64* adds *new section 388(3)* to clarify that the offences specified in that subsection are not strict liability offences.

*Clause 69* captures, in *new section 401A*, the various regulation-making powers arising out of the amendments made by this Bill.

*Clause 70* makes various amendments to the general regulations provision, section 402. The amendment to section 402(1)(d) is intended to broaden the scope for prescribing fees and charges. The amendment to section 402(1)(e) is intended to reflect the broader uses to which the annual levy may be put (*see also clause 56*).

*Clause 74* repeals transitional provisions that are no longer to apply.

*Clause 76* is the amending provision by which *new Schedules 1A to 1H* are inserted in the Act.

*Clause 77* amends Schedule 3 by adding *new clause 34*, which empowers the Building Practitioners Board to appoint 1 or more subcommittees to deal with complaints and licensing appeals.

*Clause 78* updates the Resource Management Act 1991 and the Local Government Act 2002 in respect of terminology and cross-references.

*Clause 79* contains the transitional provisions. With 4 categories of building consent replacing a single category, and with the consent completion certificate replacing the code compliance certificate, the outline is that a building consent pre-commencement becomes a standard building consent under the new stepped-consenting regime, and existing applications are treated similarly. The pre-commencement code compliance certificate becomes a consent completion certificate, and existing applications are treated similarly.

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*Hon Maurice Williamson*

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Building Amendment Act **(No 3) 2010**.
- 2 Commencement**  
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. 5
- 3 Principal Act amended**  
This Act amends the Building Act 2004.

- |   |   |    |
|---|---|----|
| <br><b>Part 1</b><br><b>Amendments to principal Act</b> |   | 10 |
| <b>4</b>  | <b>New section 3 substituted</b><br>Section 3 is repealed and the following section substituted:                      |    |
| <b>“3</b>   | <b>Purposes</b><br>This Act has the following purposes:   | 15 |
|   | “(a) to provide for the regulation of building work, the establishment of a licensing regime for building practition- |    |

ers, 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 5
  - “(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: 10
- “(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.” 15

## 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— 20
  - “(i) the necessary building consents and other approvals are obtained for proposed building work; and 25
  - “(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 30
  - “(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 **code compliance certificate**. 35



- (2) 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 52P and 52R** 5
- “**approved risk profile** means a risk profile that has been approved under **sections 52P and 52Q**
- “**commercial building consent** means a consent granted under **section 52T**
- “**commercial building work** has the meaning given to it by regulations made under this Act 10
- “**consent completion certificate** means a certificate issued by a building consent authority under section 95
- “**independently qualified person** means a person—
- “(a) who is accepted by a territorial authority as being qualified to— 15
- “(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 20
- “(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
- “**low-risk building consent** means a consent granted under **section 52H** 25
- “**low-risk building work** has the meaning given to it by regulations made under this Act
- “**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** 30
- “**owner-builder status** means the status of a person as an owner-builder
- “**prescribed** means prescribed by regulations made under this Act 35
- “**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 5

“**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 10

“**simple residential building consent** means a consent granted under **section 52L**

“**simple residential building work** has the meaning given to it by regulations made under this Act 15

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

(3) Paragraph (d) of the definition of **building work** in section 7 is amended by adding “; and”.

(4) The definition of **building work** in section 7 is amended by adding the following paragraph: 20

“(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” 25

(5) Paragraph (b)(ii) of the definition of **owner** in section 7 is amended by omitting “and 97” and substituting “97, and 176(c)”.

(6) 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” 30

(7) 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” 35

<b>7</b>	<b>Building: what it means and includes</b> Section 8(3) is amended by repealing paragraph (c) and substituting the following paragraph: “(c) a consent completion certificate; and”.	
<b>8</b>	<b>Building: what it does not include</b> Section 9 is amended by inserting the following paragraphs after paragraph (ab): “(ac) security fences, oil interception and containment systems, and similar machinery and structures that are part of, or related to, a NUO system; or “(ad) structures that form part of works as defined in section 2(1) of the Electricity Act 1992, for example, wind turbines and gantries; or”.	5 10
<b>9</b>	<b>Role of chief executive</b> Section 11 is amended by inserting the following paragraph after paragraph (c): “(ca) has the functions set out in <b>section 168A</b> in relation to the implementation, administration, and review of this Act; and”.	15
<b>10</b>	<b>New subpart 4 of Part 1 added</b> Part 1 is amended by adding the following subpart: “Subpart 4—Outline of responsibilities under this Act	20
	<b>“14A Outline of responsibilities under this Act</b> Sections <b>14B to 14F</b> — “(a) are not a definitive and inclusive 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.	25 30

**“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 5  
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 10  
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**

A person who prepares and gives advice on the preparation 15  
of plans and specifications in relation to a building consent (a  
**designer**) is responsible for ensuring that the plans and specifications  
and the advice will result in the building work carried  
out under the consent complying with the building code,  
assuming that the building work is carried out in accordance 20  
with those plans and specifications and that advice.

**“14E Responsibilities of builder**

A builder, and any other person who carries out building work,  
is responsible for—

“(a) ensuring that the building work complies with the building 25  
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.

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

30

A building consent authority is responsible for—

“(a) checking, in accordance with the requirements of this  
Act for each type of building consent, whether—

	“(i) the plans and specifications accompanying an application for a building consent comply with the building code:	
	“(ii) building work has been carried out in accordance with the plans and specifications to which the building consent relates:	5
	“(b) issuing building consents and consent completion certificates in accordance with the requirements of this Act.”	
<b>11</b>	<b>Outline of this Part</b>	<b>10</b>
(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”.	15
<b>12</b>	<b>Limits on certain powers of building consent authority in cases involving bans under section 26</b>	
	Section 28(2)(b) and (3) are amended by omitting “code compliance certificate” and substituting in each case “consent completion certificate”.	20
<b>13</b>	<b>Territorial authority may issue development contribution notice</b>	
	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 ( <b>development contribution notice</b> ).	25
<b>14</b>	<b>New heading substituted</b>	
	The heading above section 40 is repealed and the following heading substituted:	30

*“Building consents: General provisions”.***15 New sections 41 to 52Y substituted**

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

- “41 Types of building consent** 5
- 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. 10
- “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 15
  - “(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 20
  - “(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— 25**
- “(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: 30
  - “(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** 35
- 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. 5

**“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. 10
- “(2) A person commits an offence if the person fails to apply for a certificate of acceptance in accordance with **subsection (1)**. 15
- “(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— 20
  - “(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 25
    - “(ii) in the case of a proposed specified system, will be required to be covered by a compliance schedule; 30
  - 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. 35
- “(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. 5
- “(2) An owner may make a series of applications for building consents for stages of the proposed building work. 10

**“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. 15
- “(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: 20
  - “(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. 25
- “(3) Regulations may be made under this Act prescribing the type or types of commercial building work for which a commercial building consent is required. 30

**“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 52K** and **Schedule 1B**:
- “(c) a standard building consent is set out in **section 52N** and **Schedule 1C**:
- “(d) a commercial building consent is set out in **sections 52P and 52S** and **Schedule 1D**. 5
- “**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. 10
- “(2) The chief executive must give a copy of the notice to every building consent authority as soon as practicable after it is published. 15
- “(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** 20
- “(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: 25
- “(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. 30
- “(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 au- 35

thority 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)**,— 5
- “(a) grant the application; or
- “(b) refuse the application.
- “(2) The time limit is,— 10
- “(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: 15
- “(c) in all other cases, 20 working days after receipt by the building consent authority of the application. 20
- “(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— 25
- “(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. 30

**“52 Grant of building consent**

- “(1) The requirements for the grant of— 35
- “(a) a low-risk building consent are set out in **section 52H**:

- “(b) a simple residential building consent are set out in **section 52L**:
- “(c) a standard building consent are set out in **section 52O**:
- “(d) a commercial building consent are set out in **section 52T**. 5
- “(2) However, in all cases a building consent authority is not required to grant a building consent until it receives—
- “(a) any charge 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** 10
- 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. 15
- “**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 20
- “(ii) a development contribution notice under section 36 (if any); and
- “(iii) a certificate issued under section 37 (if any); and 25
- “(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— 30
- “(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— 35

- “(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,— 5
- “(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. 10
- “(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. 15
- “(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. 20
- “**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. 25
- “(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 30
- “(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 35

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). 5

“(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 10**

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. 15

**“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. 20

“(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 25

“(b) a person who was not a licensed building practitioner has carried out without supervision by a licensed building contractor, or has supervised, building work that is required to be carried out or supervised by a licensed building practitioner; or 30

“(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 issue a notice to fix under section 164 in respect of building work already done. 35

*“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**

5

**“(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— 10

**“(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. 15

**“(2)** In considering an application for a low-risk building consent, a building consent authority—

**“(a)** is not required to consider whether the building work in all aspects of the plans and specifications accompanying the application will comply with the building code; but 20

**“(b)** may refuse to grant the consent if it considers that the building work may endanger the safety of a person or result in a significant building quality failure.

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

25

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

**“(a)** is under no duty to inspect the building work in question at any time before the issue of a consent completion certificate for that building work; and 30

**“(b)** incurs no liability to any person by reason only of 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. 35

**“52J Change in licensed building practitioner carrying out, or supervising, low-risk building work**

“(1) After any low-risk building work commences under a low-risk building consent, the owner must give the building consent authority a written notice if— 5

“(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.

“(2) A person who contravenes **subsection (1)** commits an offence and is liable on conviction to a fine not exceeding \$20,000. 10

*“Simple residential building consent*

**“52K Application for simple residential building consent**

An application for a simple residential building consent must 15  
comply with the requirements set out in **Schedule 1B**.

**“52L 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 20

“(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; and 25

“(iii) any person named in the application as a licensed building practitioner is, at the date of the issue 30  
of the consent, in fact a licensed building practitioner.

“(2) In considering an application for a simple residential building consent, a building consent authority—

- “(a) is not required to consider whether the building work in all aspects of the plans and specifications accompanying the application will comply with the building code; but
- “(b) may refuse to grant the consent if it considers that building work outside the prescribed aspects may endanger the safety of a person or result in a significant building quality failure. 5
- “**52M Responsibility of building consent authority in relation to building work carried out under simple residential building consent** 10
- “(1) A building consent authority that has issued a simple residential consent—
- “(a) must, in accordance with regulations made under this Act, inspect the building work to which the consent relates; but 15
- “(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. 20
- “Standard building consent*
- “**52N Application for standard building consent**
- An application for a standard building consent must comply with the requirements set out in **Schedule 1C**.
- “**52O Grant of standard building consent** 25
- 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. 30



*“Commercial building consent***“52P 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: 5

- “(a) the risk profile of the building work; and
- “(b) the quality assurance system that will apply to the building work. 10

**“52Q Approved risk profile**

“(1) The approved 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**). 15

“(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— 20

“(i) the risk that the building work will not comply with the building code; and

“(ii) the consequences of that non-compliance.

“(3) The parties 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)**. 25

**“52R Approved quality assurance system**

“(1) An approved 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**). 30

“(2) A building consent authority must approve a quality assurance system if the building consent authority is satisfied that the quality assurance system— 35

“(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 parties 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)**. 5
- “**52S Application for commercial building consent**  
An application for a commercial building consent must comply with the requirements set out in **Schedule 1D**. 10
- “**52T 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 15
- “(b) the building consent authority is satisfied that nothing has occurred or become known since approval was given under **section 52P** that, had it occurred or become known before the approval was given, would have resulted in the authority withholding the approval. 20
- “**52U 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. 25
- “(2) The owner must without delay—
- “(a) notify the building consent authority that issued the consent of the change; and 30
- “(b) apply for an amendment to the approved risk profile.

- “52V 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,— 5
- “(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. 10
- “(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 52Q(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 52Q(2)** and the approved quality assurance system under **section 52R(2)** are met: 15
- “(c) under **subsection (1)(c)** if the authority is no longer satisfied that the grounds for approving the quality assurance system under **section 52R(2)** are met. 20
- “(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. 25
- “52W 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— 30
- “(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. 35

**“52X 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. 5

**“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. 15

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

**16 Applicant for building consent liable to pay levy**

Section 53 is amended by adding the following subsection: 20

“(4) The chief executive may, in his or her discretion, refund all or part of the levy if the building consent is cancelled or lapses by paying the refund to the applicant or to the relevant building consent authority.” 25

**17 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”.

**18 New headings and sections 84 to 84G substituted**

Section 84 and the heading above section 84 are repealed and the following headings and sections substituted: 30

*“Who may carry out or supervise low-risk building work*

- “84 Who may carry out or supervise low-risk building work**  
 Low-risk building work under a low-risk 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. 5
- “84A Offences relating to carrying out or supervising low-risk building work**
- “(1)** A person who is not a licensed building practitioner commits an offence if he or she carries out low-risk building work under a low-risk 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. 10
- “(2)** A person who is a licensed building practitioner commits an offence if he or she— 15
- “(a)** carries out low-risk building work under a low-risk building consent and is not licensed to carry out building work of that kind; or
- “(b)** supervises low-risk building work under a low-risk building consent and is not licensed to carry out or supervise the carrying out of building work of that kind. 20
- “(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 low-risk building work if person is not licensed building practitioner** 25
- “(1)** A person commits an offence if that person—
- “(a)** engages another person to carry out low-risk building work under a low-risk building consent; and 30
- “(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— 35

- “(a) engages another person to supervise the carrying out of low-risk building work under a low-risk building consent; and
- “(b) knows that the other person is not—
- “(i) a licensed building practitioner; or 5
- “(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. 10

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

**“84C 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. 15

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

- 20
- “(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. 25
- “(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 30
- “(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. 35

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

“**84E Offence to engage another person to carry out or supervise simple residential building work if person is not licensed building practitioner** 5

“(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— 10

“(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 15

“(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. 20

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

“**84F Owner must notify names of licensed building practitioners engaged in simple residential building work** 25

“(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. 30

“(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— 35

“(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”* 5
- “84G 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*).” 10
- 19 New section 85 substituted**  
Section 85 is repealed and the following section substituted:
- “85 Offences relating to carrying out or supervising restricted building work”** 15
- “(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. 20
- “(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. 25
- “(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. 30
- “(4) A person who commits an offence under this section is liable to a fine not exceeding \$20,000.”



**20 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: 5

“(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 10

“(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 15

“(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.” 20

“(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.”

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

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.” 30

**22 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. 5
- “(2) If the building consent application was not accompanied by a statutory declaration under **clause 2 of Schedule 1C** 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. 10
- “(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. 15
- “(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 20
  - “(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)**.” 25
- “(5) A person who contravenes this section commits an offence and is liable to a fine not exceeding \$20,000.”

**23 Licensed building practitioner to certify or provide memorandum about restricted building work**

- (1) The heading to section 88 is amended by omitting “**certify or**”. 30
- (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 memorandum, in the prescribed form, stating what re- 35

stricted building work the licensing 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: 5
- “(4) A memorandum given under **subsection (1)** does not, of itself,—
  - “(a) create any liability in relation to any matter to which the memorandum 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 memorandum.” 10

**24 Inspections by building consent authorities**

Section 90 is amended by repealing subsection (3) and substituting the following subsections: 15

- “(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: 20
  - “(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.” 25

**25 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 30**

The purpose of this subpart is to permit owner-builders, in the circumstances set out in this subpart, to carry out restricted building work themselves, or with the assistance of their unpaid friends and family members.

**“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 5
  - “(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 10
  - “(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. 15

**“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— 20
- “(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. 25

**“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

- 26 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”.
- 27 New heading substituted** 5  
The heading above section 91 is omitted and the following heading substituted:  
*“Consent completion certificates”.*
- 28 Building consent authority that grants building consent to issue code compliance certificate** 10  
(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”. 15
- 29 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. 20  
“(2) The application must be made—  
“(a) as soon as practicable after the building work is completed; and 25  
“(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. 30  
“(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**: 5  
“(d) a commercial building consent must comply with the requirements of **Schedule 1H**.”
- 30 Time in which building consent authority must decide whether to issue code compliance certificate** 10
- (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”. 15
- 31 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** 20
- “(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 25  
“(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,— 30  
“(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 35  
“(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. 5

“(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. 10

“(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. 15

“(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— 20

“(a) evidence that the development contribution has been paid or made by the owner concerned to the territorial authority; or 25

“(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)**. 30

**“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— 35

“(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 5
- “(d) the building consent authority is satisfied, on reasonable grounds, that,— 10
- “(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 15
- “(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. 20
- “(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. 25
- “(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. 30
- “(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- 35



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 5

“(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** 10

“(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 15

“(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,— 20

“(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 25

“(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. 30

“(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 35

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. 5
- “(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— 10
- “(a) evidence that the development contribution has been paid or made by the owner concerned to the territorial authority; or 15
- “(b) a copy of a written agreement between the owner and the territorial authority that the consent completion certificate may be issued. 20
- “(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. 25
- “(6) **Subsection (1)** is subject to **subsection (4)**.
- “**94C Issue of consent completion certificate for work under commercial building consent** 30
- “(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 35
- “(b) the building consent authority has carried out sampling, testing, and inspection that satisfies it, 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 review of the safety systems that form part of the building work and the authority is satisfied, on reasonable grounds, that the systems are operating in accordance with their specifications; and 5
- “(d) the building consent authority is satisfied, on reasonable grounds, that all compliance memoranda required by the approved quality assurance system— 10
- “(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 15
- “(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 code compliance has been made in accordance with the approved quality assurance system; and 20 25
- “(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. 30
- “(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. 35

- “(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— 5
- “(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. 10
- “(5) **Subsection (1)** is subject to **subsection (4)**.”
- 32 Issue of code compliance certificate**
- (1) The heading to section 95 is amended by omitting “**code compliance certificate**” and substituting “**consent completion certificate**”. 15
- (2) Section 95 is amended by omitting “code compliance certificate” and substituting “consent completion certificate”.
- 33 Refusal to issue code compliance certificate** 20
- (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”. 25
- 34 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”. 30
- (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.” 35

**35 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
- “(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.” 10

**36 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— 15
- “(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. 20
- “(2) A compliance schedule that is issued under **subsection (1)** must be issued with the relevant 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. 25
- “(4) A building consent authority or a territorial authority may charge a fee for the issue by it of a compliance schedule.” 30

**37 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. 5
- “(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— 10
- “(a) a description of all specified systems for the building, including details of the performance standards for each of them; and
  - “(b) the proposed inspection, maintenance, and reporting procedures for the specified systems.” 15

**38 Content of compliance schedule**

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

- “(1) A compliance schedule must— 20
- “(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 25
  - “(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.” 30

**39 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 35

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.”

**40 Application by owner for amendment to compliance schedule**

Section 106 is amended by repealing subsection (2) and substituting the following subsections: 10

- “(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 15
  - “(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 regulation made under it; or 20
    - “(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.” 25

**41 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”. 30
- (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”. 35

- (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.” 5
- 42 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”. 10
- 43 Owner must obtain reports on compliance schedule**
- Section 110(a) is amended by omitting “licensed building practitioner” and substituting “independently qualified person”. 15
- 44 Meaning of dangerous building**
- Section 121(1)(b) is amended by omitting “because of fire hazard or the occupancy of the building”.
- 45 Issue of notice to fix**
- (1) Section 164(1)(c) is amended by omitting “with.” and substituting “with; or”. 20
- (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”. 25
- (4) Section 164(2) is amended by adding the following paragraph:  
“(d) to properly comply with the approved quality assurance system.”
- 46 New section 168A inserted** 30
- 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.”

5

**47 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:”

10

- (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:”

**48 Application for determination**

15

- (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.”

20

**49 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”

**50 Territorial authority must keep information about buildings**

Section 216(2) is amended by repealing paragraph (b) and substituting the following paragraph:

“(b) any of the following information issued or received by the territorial authority in respect of a building:

- “(i) project information memoranda:

49

- “(ii) building consents:
- “(iii) if applicable, the intended life of the building:
- “(iv) code compliance certificates:
- “(v) consent completion certificates:
- “(vi) memoranda by licensed building practitioners 5  
accompanying applications for the grant of a  
building consent:
- “(vii) memoranda by licensed building practitioners  
accompanying applications for the issue of con- 10  
sent completion certificates:
- “(viii) compliance schedules:
- “(ix) in the case of buildings for which commercial  
building consents have been granted,—  
“(A) approved risk profiles:  
“(B) approved quality assurance systems: 15  
“(C) compliance memoranda:  
“(D) third-party reviews:  
“(E) reviews of safety systems:
- “(x) building warrants of fitness:
- “(xi) energy work certificates relating to building 20  
work:
- “(xii) statutory declarations by owner-builders pro-  
vided under this Act:
- “(xiii) any other records that relate to the information  
referred to in **subparagraphs (i) to (xii)**; and”. 25

### 51 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 30
- “(iv) in the case of work carried out under a commercial building consent, the approved quality assurance system is being complied with.”.

### 52 Duty to assist inspections

Section 223(2) is amended by repealing paragraph (c) and substituting the following paragraph: 35

“(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.”

**53 Duties of building consent authority** 5

Section 238(2) is amended by repealing paragraph (b) and substituting the following paragraph:

“(b) the following information issued or received by the building consent authority in respect of a building:

“(i) project information memoranda: 10

“(ii) building consents:

“(iii) if applicable, the intended life of the building:

“(iv) code compliance certificates:

“(v) consent completion certificates:

“(vi) memoranda by licensed building practitioners accompanying applications for the grant of a building consent: 15

“(vii) memoranda by licensed building practitioners accompanying applications for the issue of consent completion certificates: 20

“(viii) compliance schedules:

“(ix) in the case of buildings for which commercial building consents have been granted,—

“(A) approved risk profiles:

“(B) approved quality assurance systems: 25

“(C) compliance memoranda:

“(D) third-party reviews:

“(E) reviews of safety systems:

“(x) building warrants of fitness:

“(xi) energy work certificates relating to building work: 30

“(xii) statutory declarations by owner-builders provided under this Act:

“(xiii) any other records that relate to the information referred to in **subparagraphs (i) to (xii)**; and”. 35

**54 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, only licensed building practitioners can carry it out or supervise it.” 5

**55 Licensing classes may be designated by regulations**

10

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.” 15

**56 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.” 20

**57 New heading and sections 314A and 314B inserted**

The following heading and sections are inserted after section 314: 25

*“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 of minimum standards of ethical conduct for licensed building practitioners. 30

**“314B Licensed building practitioner must work within competence**

A licensed building practitioner must—

- “(a) not misrepresent his or her competence:
- “(b) undertake building work only within his or her competence.” 5

**58 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 “section 45(2)(b)” and substituting “**clause 2 of Schedule 1A, clause 2 of Schedule 1B, clause 3 of Schedule 1C, or clause 2 of Schedule 1D** (as the case may be)”. 15
- (4) Section 317(1)(e)(iii) is amended by omitting “genuine.” and substituting “genuine; or”.
- (5) Section 317(1) is amended by adding the following paragraphs: 20
  - “(f) a licensed building practitioner has failed, without good reason, to provide to the owner the statement referred to in **clause 1(b) of Schedule 1E** or **clause 1(b) of Schedule 1F**; or 25
  - “(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.” 30

**59 Board’s functions**

Section 343 is amended by adding the following subsection as subsection (2): 35

“(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.”

**60 Protecting safety of members of public using premises open to public or intended for public use** 5  
Section 363(1)(b)(i) and (c)(i) are amended by omitting “code compliance certificate” and substituting in each case “consent completion certificate”.

**61 Public use of premises may be allowed before issue of code compliance certificate in some circumstances** 10  
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”.

**62 Section 363B repealed** 15  
Section 363B is repealed.

**63 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** 20

“(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.”

**64 Strict liability and defences** 25  
Section 388 is amended by adding the following subsection:  
“(3) To avoid doubt, the offences created by **sections 52Y, 84B, 84E**, 86, 116B, 326, 365, 367, 368, and 369 are not strict liability offences.”

- 65 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”.
- 66 Building consent authority not liable** 5  
 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.”
- 67 Limitation defences** 10  
 Section 393(3)(a) is amended by omitting “or a code compliance certificate” and substituting “, a code compliance certificate, or a consent completion certificate”.
- 68 Regulations: acceptable solutions, verifications, etc, that must be complied with in order to comply with building code** 15  
 Section 401(2) is amended by omitting “code compliance certificate” and substituting “consent completion certificate”.
- 69 New section 401A inserted** 20  
 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: 25  
 “(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: 30  
 “(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: 5
- “(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 10
- “(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 15 matters for different types or categories of commercial building work:
- “(j) define safety system.”

#### **70 Regulations: general**

- (1) Section 402(1)(d) is amended by omitting “performance of the Registrar’s functions” and substituting “licensing, disciplin- 20 ing, 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 25 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 (o) and sub- 30 stituting the following paragraph:
- “(o) prescribing systems or parts of systems that amount to specified systems for the purposes of this Act.”.



- 
- 71 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”.
- 72 Transitional provision for code compliance certificates in respect of building work carried out under building consent granted under former Act** 5  
(1) The heading to section 436 is amended by omitting “code compliance certificates” and substituting “consent completion certificates”. 10  
(2) Section 436(2) and (3)(b)(i) are amended by omitting “code compliance certificate” and substituting in each case “consent completion certificate”.
- 73 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”. 15
- 74 Transitional provision for code compliance certificates and compliance schedules issued under former Act**  
Section 438(2), (4), and (5) are repealed. 20
- 75 Schedule 1 amended**  
(1) The Schedule 1 heading is amended by omitting “s 41(1)(b)” and substituting “s 42”.  
(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”. 25
- 76 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. 30
- 77 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). 5
- “(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. 10
- “(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.” 15

**Part 2**

**Miscellaneous provisions**

**78 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”. 20
- (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”. 25
- (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)”. 30

**79 Transitional provisions**

- (1) In this section, **commencement date** means the day on which this section comes into force.
- (2) This section applies to— 35

- 
- (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: 5
  - (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: 10
  - (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: 15
  - (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. 20
-

## Schedule

s 76

## 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

5

- 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; 10  
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 15  
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 20  
that the building consent authority reasonably requires; and
  - (e) be accompanied by the charge fixed by the building consent authority; and
  - (f) state the name of each licensed building practitioner 25  
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— 30  
    - (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 35
  - (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, including details of 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, including details of 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 memorandum—
  - (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.

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

- 1 An application for a simple residential building consent (the **application**) must— 5
- (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 10
  - (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 15
    - (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 20
  - (e) be accompanied by the charge fixed by the building consent authority; 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 25
  - (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— 30
    - (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: 35
    - (i) if a compliance schedule is required as a result of the building work, a description of all specified

Schedule 1B—*continued*

- systems for the building, including details of 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, including details of 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 memorandum—
- (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.



## Schedule 1C

ss 48(c), 52N, 52O,  
87A, 317(1)(da)(i)Requirements for application for  
standard building consent

- 1 An application for a standard building consent (the **application**) must— 5
- (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 10
  - (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 15
    - (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 20
  - (e) be accompanied by the charge fixed by the building consent authority; 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 25
  - (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— 30
    - (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: 35
    - (i) if a compliance schedule is required as a result of the building work, a description of all specified

Schedule 1C—*continued*

- systems for the building, including details of 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, including details of 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 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 memorandum—
- (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. 5
-

## Schedule 1D

ss 48(d), 52S, 52T,  
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 5
  - (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; 10  
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 15  
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 20  
that the building consent authority reasonably requires; and
  - (f) be accompanied by the charge fixed by the building consent authority; and
  - (g) in the case of an application for a commercial building 25  
consent that relates to restricted building work, state the name of each licensed building practitioner who 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 memo- 30  
randum 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 35  
36 (if any); and
    - (iii) a certificate issued under section 37 (if any); and
  - (i) be accompanied by either of the following:

Schedule 1D—*continued*

- (i) if a compliance schedule is required as a result of the building work, a description of all specified systems for the building, including details of 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, including details of 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 compliance memoranda 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 of the plans and specifications required by the approved quality assurance system; and
  - (l) be accompanied by any independently commissioned review of the design or specifications for the building required by the approved quality assurance system; and
  - (m) 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 suitably qualified persons.
- 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 memorandum—

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.
-

**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— 5
- (a)    be in the prescribed form; and
  - (b)    be accompanied by a statement by each licensed building practitioner who carried out or supervised any of the building work that— 10
    - (i)    identifies that building work; and
    - (ii)   is signed by the licensed building practitioner; and
    - (iii) when read with the other statements required by this paragraph in relation to the same low-risk building consent, covers all the building work carried out or supervised by a licensed building practitioner under that consent; and 15
  - (c)    be accompanied by any other prescribed information. 20
- 2      If any of the building work was restricted building work, the owner must include with the application any memoranda 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. 25

**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— 5
- (a)    be in the prescribed form; and
  - (b)    be accompanied by a statement by each licensed building practitioner who carried out or supervised any of the building work that— 10
    - (i)    identifies that building work; and
    - (ii)   is signed by the licensed building practitioner; and
    - (iii)  when read with the other statements required by this paragraph in relation to the same simple residential building consent, covers all the building work carried out or supervised by a licensed building practitioner under that consent; and 15
  - (c)    be accompanied by any other prescribed information. 20
- 2      If any of the building work was restricted building work, the owner must include with the application any memoranda 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. 25
-



**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— 5
- (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 memoranda provided by licensed building practitioners under section 88(1). 10
- 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. 15
- 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. 20
-

**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— 5
- (a) be in the prescribed form; and
  - (b) be accompanied by the following:
    - (i) if a safety systems review has not been undertaken by the building consent authority, a request by the owner that the building consent authority undertake a safety systems review; and 10
    - (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 suitably qualified persons; and 15
    - (iii) compliance memoranda evidencing that the building work complies with the consent as required by the approved quality assurance system; and 20
    - (iv) any other compliance memoranda required by the approved quality assurance system; and
    - (v) any other prescribed information. 25
- 2 If any of the building work was restricted building work, the owner must include with the application any memoranda 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. 30