



Building Warrant of Fitness Process

An overview of responsibilities for owners of commercial, industrial or communal buildings

Building Warrant of Fitness Process

This guide provides information to help building owners of commercial, industrial or communal (public use) buildings to understand their compliance responsibilities under the Building Act 2004. The Building Act requires owners of buildings with Specified Systems to have a Compliance Schedule and to provide the council with an annual Building Warrant of Fitness. Residential properties do not require a Compliance Schedule, unless a cable car is installed.

Building Act terms explained

Specified systems (SS) are systems or features in a building that help to provide a safe environment for users. They include, but are not limited to, sprinklers, lifts, fire alarms, automatic doors, air conditioning systems, emergency lighting systems and backflow preventers, and require regular inspections and maintenance.

A **Compliance Schedule (CS)** states the Specified Systems and their performance standards and includes: the inspection, testing and maintenance procedures, frequency of inspections and who should perform those inspections.

A **Compliance Schedule Statement (CCS)** is issued by Council with the Code Compliance Certificate and is a temporary public notification of the Specified Systems confirming they are fit for purpose.

An **Independent Qualified Person (IQP)** is a person (or firm) approved by a council, or group of councils as being qualified to inspect, maintain and report on Specified Systems. They have no financial interest in the building that they are auditing. Please check the online register at www.timaru.govt.nz/iqp for an approved IQP (in the South Island).

A **Building Warrant of Fitness (BWOFF, Form 12)** is a certificate or declaration by you (the building owner) that all the Specified Systems in the building have been inspected, maintained and reported in accordance with the Compliance Schedule. It must be displayed in a prominent position in the building, and a copy provided to the Council annually, along with a Form 12A for each of the Specified Systems. For a template visit www.selwyn.govt.nz/bwof.

Form 12A – Certificate of Compliance with inspection, maintenance and reporting procedures: This form is used as verification that the inspection and maintenance procedures under the Compliance Schedule have been carried out. They are issued by each Independent Qualified Person (IQP) who undertook inspection or maintenance of each of the building's Specified Systems. These must be supplied to Council with your Form 12 (BWOFF) annually. For a template visit www.selwyn.govt.nz/bwof.

Form 11 – Application for Amending a Compliance Schedule: This form is used to formally advise the Council of any change required to a Compliance Schedule. For a template visit www.selwyn.govt.nz/bwof.



What are my responsibilities as a building owner?

The requirements of building owners can be found under Sections 100-111 of the Building Act 2004. Go to www.legislation.govt.nz and search for 'Building Act'. If you own a building with Specified Systems you are responsible for ensuring the building is safe for people to enter, occupy or work in.

To do this, you must ensure that all Specified Systems continue to operate effectively for the life of the building. These systems will require ongoing inspection and maintenance to ensure they function as required, because if they fail to operate properly, they have the potential to endanger the safety of people using the building.



What do I have to do to meet my obligations?

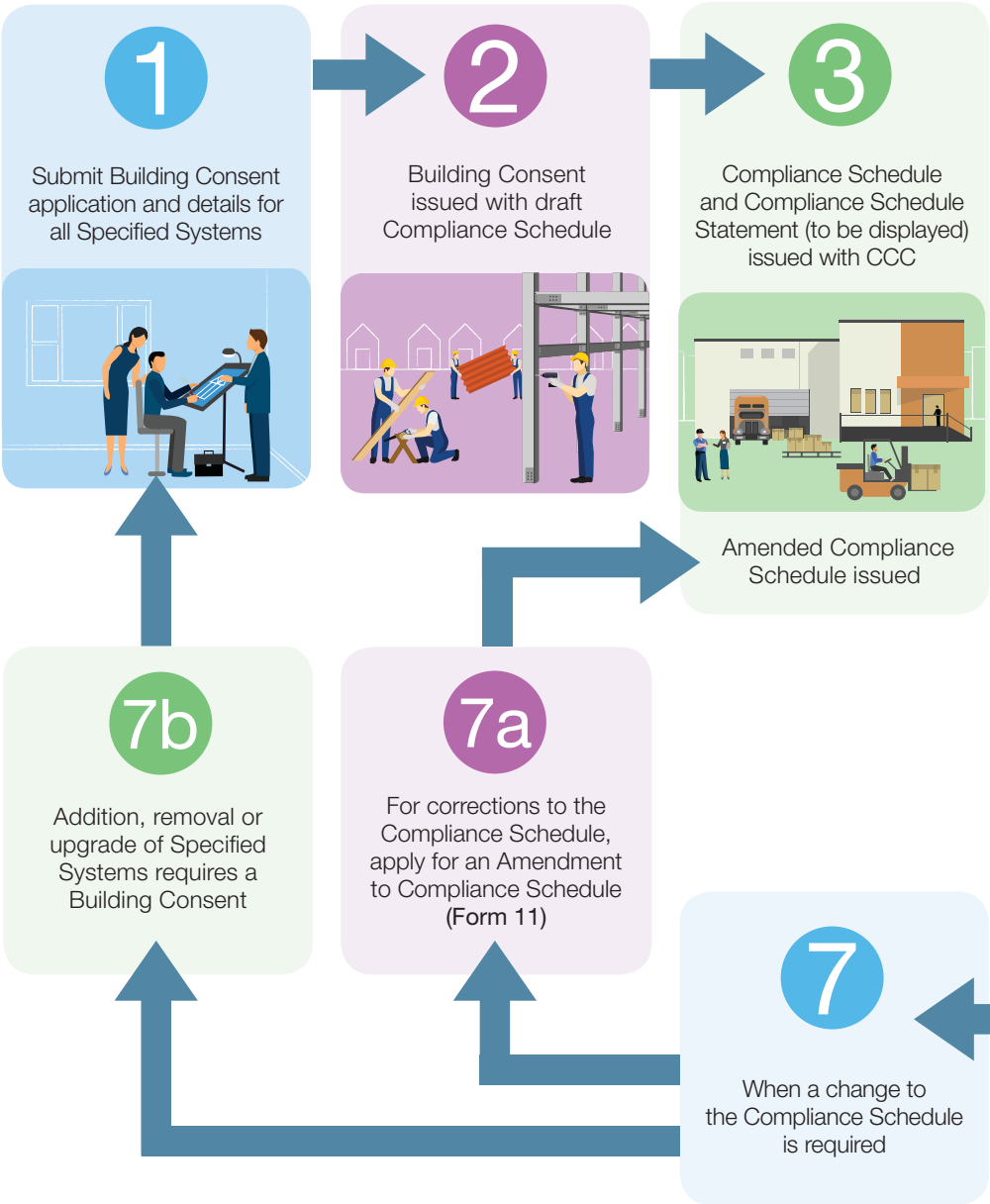
You are responsible for being aware of every Specified System installed in your building, applying for a Compliance Schedule and ensuring each system is listed on the Compliance Schedule. When a Compliance Schedule has been issued for your building you also have a responsibility to:

- Ensure each of the Specified Systems is performing, and will continue to perform, to the performance standards for that system.
- Sign, issue and publicly display an annual Building Warrant of Fitness (BWOF). However for the 12 months after the first Compliance Schedule is issued a Compliance Schedule Statement will be displayed instead of a BWOF.
- Provide a copy of the BWOF annually to Selwyn District Council along with the 12A Forms (Certificate of Compliance with inspection, maintenance and reporting procedures) from an Independent Qualified Person (IQP).
- Keep the Compliance Schedule in the location nominated on the Compliance Schedule Statement and BWOF.
- Obtain annual written reports (Form 12A) relating to the inspection, maintenance, and reporting procedures of the compliance schedule signed by the IQP.
- Keep inspection and maintenance documents with the Compliance Schedule readily available for inspection by authorised people (such as council inspectors, fire service personnel and IQPs). Keep these reports for a period of two years.

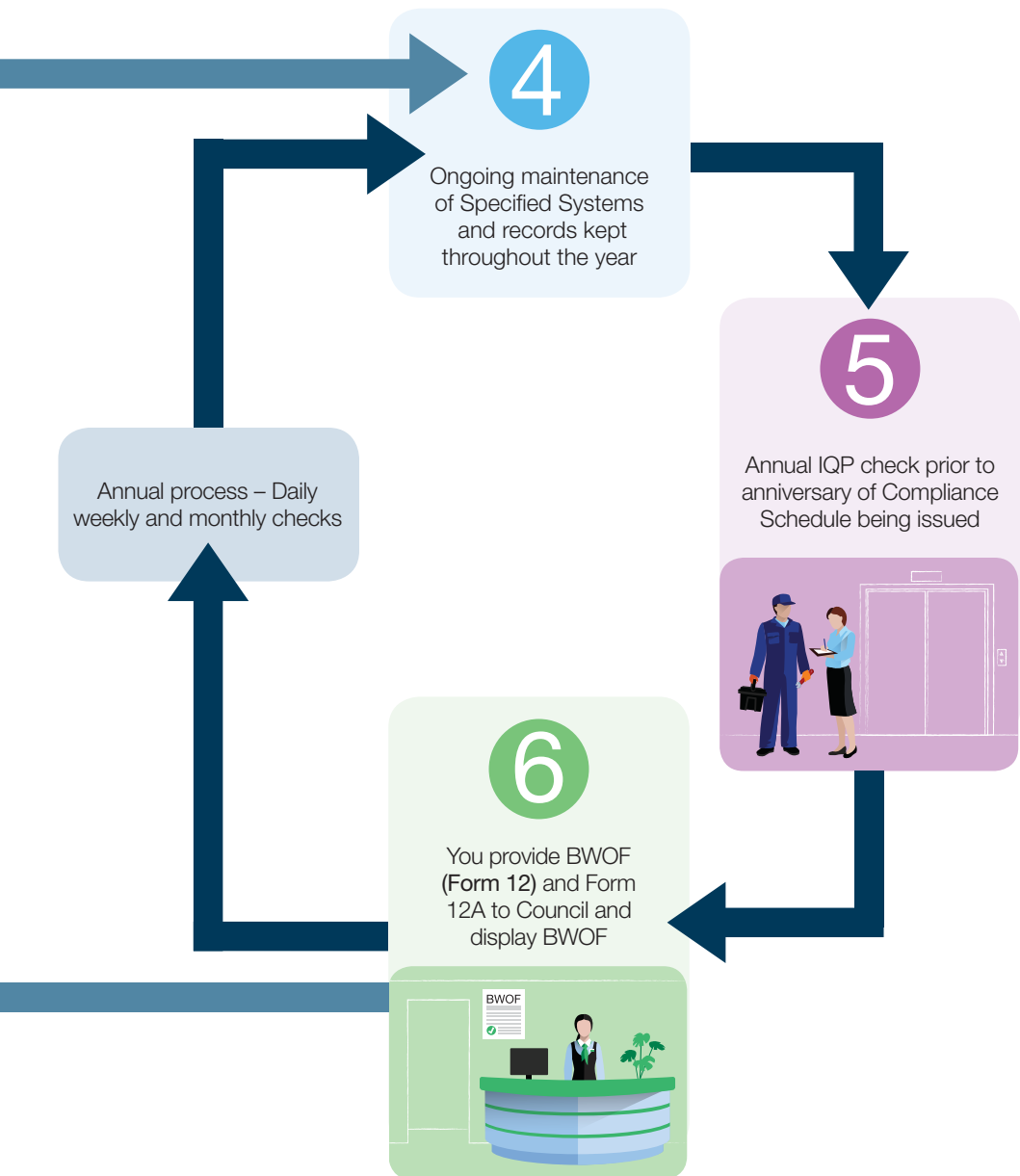
These records must, as a minimum, include:

- Details of any inspection, test or preventative maintenance carried out, including dates, work undertaken, faults found, remedies applied, and the person who performed the work.
- Details of any other faults found or maintenance and repair work undertaken to maintain the system in working order, including dates, work undertaken, faults found, remedies applied and the person who performed the work.

Compliance Schedule and Building Warrant of Fitness Process



CS	Compliance Schedule
CCC	Code Compliance Certificate
SS	Specified Systems
BWOF	Building Warrant of Fitness
IQP	Independent Qualified Person



See overleaf for an explanation of this process

What is the process for meeting these requirements?

It is strongly recommended that you seek appropriate professional advice (from an Independent Qualified Person or the Council's building department) about what is required under the Building Act. There are building safety consultants or agents available who can be contracted to manage this process on behalf of the building owner.

The steps in this process are outlined here: *See the previous page for a flowchart of this process*

1

You apply for a Building Consent with the Compliance Schedule section completed and accompanied by draft Compliance Schedule documentation, including:

- the type of system
- where the system is located
- the performance standard to be tested against
- fire report

2

The Building Consent is issued with the draft Compliance Schedule, and specifies what documentation must be supplied to Council when construction is complete and before a Code Compliance Certificate can be issued.

3

Once building work is completed and inspected as compliant;

- the Compliance Schedule and Compliance Schedule Statement are issued with the Code Compliance Certificate.
- If an Amendment has been applied for, an Amended Compliance Schedule may be issued.

4

You ensure that ongoing inspection and maintenance of Specified Systems is carried out. This includes daily, weekly and monthly checks as required. You must retain documentation and records for this for a period of two years.

5

You ensure that the IQP checks are undertaken and that annually the IQP supplies you with a Form 12A to cover each of the Specified Systems in your Compliance Schedule. Arrange the timing of this so that you can submit the documentation to Council on, or just before, the anniversary of the Compliance Schedule being issued.

6

On the anniversary of the Compliance Schedule being issued, you complete the Building Warrant of Fitness (Form 12) and display it in a prominent place in the building. Provide a copy of Form 12 to the Council along with Form 12A (completed by the appropriate IQP) for each of the Specified Systems. Repeat steps 4–6 annually.

7

When a change to the Compliance Schedule is required:

7a

For any addition, removal or upgrade of a Specified System, or when building work affects a Specified System, you must apply to the council for a Building Consent.

7b

If any corrections to the Compliance Schedule are required, you can apply for an Amendment to the Compliance Schedule (Form 11). Once the amendment is processed the amended Compliance Schedule is issued (Step 3) and steps 4–6 continue.

What can happen if I don't meet my obligations?

Council monitors the BWOFF information supplied and may carry out a site audit. Building owners who fail to meet their responsibilities may be putting the safety of people using their buildings at risk. The Building Act and Regulations allows for enforcement through prosecution and/or fining of building owners.

The offences are:

- failure by the building owner to obtain a Compliance Schedule
- failure by the building owner to supply the Council with a Building Warrant of Fitness
- failure by the building owner to display a valid Building Warrant of Fitness
- displaying a false or misleading Building Warrant of Fitness
- displaying a Building Warrant of Fitness other than in accordance with section 108 of the Building Act.

These offences carry a maximum fine of \$20,000 and, for failure to obtain a Compliance Schedule, a further \$2,000 for every day the offence is continued.

Councils can also issue instant fines ranging from \$250 to \$1,000 for the Compliance Schedule and Building Warrant of Fitness offences above.





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Disclaimer: This guide is intended to provide an overview of the Building Warrant of Fitness Process and requirements and every effort has been made to ensure the information is accurate at the time of publication (May 2016). Please contact the Building Department to discuss your individual situation.

www.selwyn.govt.nz

