

**BUILDING
PERFORMANCE**

Ministry of Business, Innovation & Employment's Summary of the 2015-2017 Technical Review Programme

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**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
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New Zealand Government

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Abbreviations used in this guide:

BCA - building consent authority

BWoF - building warrant of fitness

CPU - certificate for public use

IMR - inspection, maintenance and reporting

IQP - independent qualified person

NTF - notice to fix

TA - territorial authority

Use of this guide

This guide has been written by the Ministry of Business, Innovation and Employment (MBIE) in accordance with section 175 of the *Building Act 2004*, which relates to guidance published by MBIE's Chief Executive. While MBIE has taken every care in preparing the document, it should not be relied upon as establishing all the requirements of the *Building Act 2004*. Readers should always refer to the *Building Act 2004* and associated regulations as the source document and be aware that for specific situations or problems it may be necessary to seek independent legal advice. Note that all references to the Building Code in this guide are to the Building Code (Schedule 1, *Building Regulations 1992*) in force at the time of writing.

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1. Overview

1.1 This report

This document provides a summary of the findings and recommendations of the Technical Review Programme conducted by the Ministry of Business, Innovation and Employment (MBIE) during the 2015-2016 and 2016-17 financial years (1 July 2015 to 30 June 2017).

While the report summarises the strengths of councils, its focus is on the issues faced by councils in performing their territorial authority (TA) regulatory responsibilities relating to compliance schedules¹ and building warrants of fitness² (BWoFs) and the opportunities for improvement in this area. As such, the information should be of value to all councils as well as other stakeholders, such as independent qualified persons (IQPs) and building owners.

All councils are encouraged to examine the findings and recommendations outlined in this summary report and to consider improvements that may also be made to their own building control operations.

1.2 Reason for the reviews

MBIE undertakes technical reviews as part of its on-going performance monitoring function.

The aim of these reviews is to strengthen and improve councils' abilities to carry out their core TA building control functions under the *Building Act 2004*.

Compliance schedule and BWoF functions have been the focus in the last four years which has been driven by the commencement of the *Building Amendment Act 2012* on 13 March 2012. This legislation made a number of changes to the compliance schedule and BWoF processes, which deal with ensuring the life safety of building occupants. In particular, it required owners, where necessary, to apply to councils to have their compliance schedules amended to align with the *Building Act 2004* and associated regulations before the next anniversary of the issue of the building's compliance schedule (and before 12 March 2013).

The reviews provided an opportunity for MBIE to gauge the quantity and quality of amended compliance schedules from a large sample group of 23 councils.

1.3 Scope of the reviews

The technical reviews primarily focused on how the councils (district and city councils) were undertaking some of their statutory TA responsibilities under the *Building Act 2004*. These were in relation to:

- amending compliance schedules (not captured by the building consent process)
- enforcing the BWoF system via on-site audits, notices to fix (NTFs) and infringement notices.

¹**Compliance schedules** state the specified systems contained in a building and include the performance standards, maintenance, inspection and reporting procedures to be followed. **Specified systems** are systems or features within a building that contribute to the proper functioning of the building (eg an automatic sprinkler system).

²**Building warrants of fitness** are certificates supplied to the council, by the owner of a building, verifying the inspection, maintenance and reporting procedures of the compliance schedule have been carried out.

While undertaking joint MBIE/ council on-site BWoF audits as part of the review process, the opportunity was taken to observe and assess the quality of installed passive fire systems (eg smoke/fire separations), which has received some media attention in recent times.

It is acknowledged that whilst the technical reviews had a focus on the above-mentioned TA functions, there are some findings and recommendations in this report which relate to building consent authority (BCA) functions (eg compiling and issuing compliance schedules) which are an integral part of the overall compliance schedule/BWoF system.

Through the review process and any subsequent follow-up, MBIE works collaboratively with councils to help improve building control performance locally and nationally. The reviews acknowledge strengths, but the recommendations primarily focus on the opportunities for improvement that have been identified.

1.4 Previous report

Councils audited during the 2015-16 and 2016-17 financial years had similar outcomes to those audited during the 2014-15 year. Many of the findings of this summary report align with the previous summary report published on MBIE's Building Performance website in December 2015.

1.5 The councils

The following 23 councils were fully reviewed during the 2015-17 period (in chronological order):

2015-16 Financial Year	2016-17 Financial Year
1 Waimakariri District Council	15 Masterton District Council
2 Hurunui District Council	16 Wellington City Council
3 Selwyn District Council	17 Kaikoura District Council
4 Porirua City Council	18 Waitaki District Council
5 Clutha District Council	19 Waimate District Council
6 Gore District Council	20 Mackenzie District Council
7 Horowhenua District Council	21 Whangarei District Council
8 Far North District Council	22 South Taranaki District Council
9 Buller District Council	23 Ruapehu District Council
10 Grey District Council	
11 Stratford District Council	Plus, 5 councils were revisited that had technical reviews during the 2014-15 or 2015-16 financial years (1.6 refers).
12 New Plymouth District Council	
13 Waikato District Council	
14 South Wairarapa District Council	

1.6 Revisits to check on progress

A total of five councils were revisited during the last financial year. Two councils were reviewed during the 2014-15 round of technical reviews, and three in the 2015-16 round. The degree of uptake of MBIE's report recommendations varied considerably. Some had made little progress, while one had implemented all the recommendations, and the rest were somewhere in between. Although not mandatory, it was disappointing that a couple of councils were disputing the need to do on-site audits, despite MBIE's view that this building control activity is a fundamental part of the enforcement of the BWoF system.

1.7 Statistical information provided by the councils

Councils were asked to provide certain information in relation to compliance schedules and BWoFs before the commencement of each technical review. The following tables (Tables 1 and 2) summarise the statistical information provided.

	HDC	WDC	SDC	PCC	GDC	CDC	HoDC	FNDC	BDC	GrDC	StDC	NPDC	WaDC	SWDC
Buildings with CSs at various dates in '15-16 financial year	128	300	482	437	211	206	308	797	194	288	77	912	486	156
Amended CSs issued 13 Mar '12 to various dates in '15-16 financial year	108	*	222	25 ⁺	47	*	128	*	*	235 ⁺	65	399	391	12
On-site BWoF audits carried out 13 Mar '12 to various dates in '15-16 financial year	127	64	25	10 ⁺	0	0	0	*	26	49	49	430	543	41
NTFs for CS & BWoF matters issued 31 Mar '05 to 12 Mar '12	4	*	0	23	0	0	0	0	*	67 ⁺	0	0	0	0
NTFs for CS & BWoF matters issued 13 Mar '12 to various dates in '15-16 financial year	6	13	1	*	0	0	2	3	*	16	3	0	4	2
Infringement notices for CS & BWoF matters issued 1 Jul '08 to 12 Mar '12	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Infringement notices for CS & BWoF matters issued 13 Mar '12 to various dates in '15-16 financial year	6	0	0	1	0	0	0	3	0	4	0	0	2	0

Table 1: 2015-16 Statistical information provided by TAs about compliance schedules (CSs), BWoF audits, NTFs and infringement notices

(HDC - Hurunui District Council, WDC - Waimakariri District Council, SDC - Selwyn District Council, PCC - Porirua City Council, GDC - Gore District Council, CDC - Clutha District Council, HoDC - Horowhenua District Council, FNDC - Far North District Council, BDC - Buller District Council, GrDC - Grey District Council, StDC - Stratford District Council, NPDC - New Plymouth District Council, WaDC - Waikato District Council, SWDC - South Wairarapa District Council).

* Information unable to be provided

⁺ Estimated only

	MDC	WCC	KDC	WDC	WaDC	MaDC	WhDC	STDC	RDC
Buildings with CSs at various dates in '16-17 financial year	450 ⁺	2960	91	104	323	150 ⁺	969	348	423
Amended CSs issued 13 Mar '12 to various dates in '16-17 financial year	50 ⁺	2813	*	6	232	0	969	295	423
On-site BWoF audits carried out 13 Mar '12 to various dates in '16-17 financial year	*	1826	1	0	247	0	4193	279	3
NTFs for CS & BWoF matters issued 31 Mar '05 to 12 Mar '12	0	576	*	0	0	0	53 (Note 1)	0	6
NTFs for CS & BWoF matters issued 13 Mar '12 to various dates in '16-17 financial year	45 ⁺	866	2	0	2	0	174	0	68
Infringement notices for CS & BWoF matters issued 1 Jul '08 to 12 Mar '12	0	47	*	0	0	0	0	0	0
Infringement notices for CS & BWoF matters issued 13 Mar '12 to various dates in '16-17 financial year	0	74	1	0	0	0	0	0	0

Table 2: 2016-17 Statistical information provided by TAs about compliance schedules (CSs), BWoF audits, NTFs and infringement notices

(MDC - Masterton District Council, WCC - Wellington City Council, KDC - Kaikoura District Council, WDC - Waimate District Council, WaDC - Waitaki District Council, MaDC - Mackenzie District Council, WhDC - Whangarei District Council, STDC - South Taranaki District Council, RDC - Ruapehu District Council).

* Information unable to be provided

⁺ Estimated only

Note 1: for period 31 Mar '05 to 14 Sep '08, the TA was unable to provide the information, but for period 15 Sep '08 to 31 Mar '12, 53 NTFs were issued.

2. Executive summary

2.1 Technical review objectives

Technical reviews monitor and assist the ‘council’ (BCA, TA or regional authority) under review to improve their building control operations.

This report summarises the performance of 23 councils in some of their core TA functions which deal with the safety of building occupants. Specifically, these TA functions relate to amending compliance schedules not captured by the building consent process (as a consequence of the passing of the *Building Amendment Act 2012*) and the enforcement of the BWoF system, which includes on-site audits, NTFs and infringement notices. The opportunity was also taken to observe and assess the quality of installed passive fire systems (eg smoke/fire separations).

2.2 Key review findings and recommendations

The key areas where councils need to improve their building control performance are:

Performance issue	Recommendation
<i>TA versus BCA functions</i>	
<p>There is a tendency for councils to focus on their BCA functions rather than their TA functions. As a result, these TA functions are often under-resourced and under-funded.</p> <p>The consequence of this is evident with the number of non-compliant compliance schedules. In the financial years of 2015-17, 16 of 23 councils stated they had backlogs of 22-100% compliance schedules that need to be amended to fully comply with the requirements of the <i>Building Amendment Act 2012</i>. Four councils believed they had taken the necessary action to have fully compliant compliance schedules and MBIE was satisfied that this was the case.</p>	<ul style="list-style-type: none"> Assess and confirm the scope of the backlogs. Clear backlog – ensuring adequate resources with adequate technical and administrative support to clear the backlogs as early as possible. Ensure specificity – Councils need to actively seek specified system descriptions and specific inspection, maintenance and reporting (IMR) procedures information from building owners. Use the enforcement tools that are available. More than four years have elapsed since the deadline of 12 March 2013, more than ample time for owners to comply. Councils must use some of their enforcement tools to get compliance. If owners, or their IQP agents, do not provide the required information in a timely manner, councils should consider issuing NTFs, and if these NTFs are ignored, proceed to issue infringement notices.
<i>Administration and enforcement of BWoF provisions</i>	
<p>Below-par performance was shown in 15 of 23 councils in relation to the administration and enforcement of the BWoF provisions</p>	<ul style="list-style-type: none"> Attend, as early as is reasonably practicable, to implementing the report recommendations about administering

<p>(section 12(2)(g) and (h) of the Act). The performance was such that MBIE decided that some form of follow-up action was necessary to monitor progress with implementing the review recommendations (including revisits to several councils).</p>	<p>and enforcing the compliance schedule/BWoF system.</p> <p>It is MBIE's preference to gain willing cooperation from the councils that have been notified that some follow-up is required, but if necessary, MBIE's concerns will be escalated within MBIE and the council concerned.</p>
<p><i>Compliance schedule information at building consent stage</i></p>	
<p>Building consent applicants/designers were providing generic and insufficient information about specified systems and the IMR procedures.</p>	<ul style="list-style-type: none"> • Ensure building consent applicants provide detailed specified system descriptions (with performance standards), and the proposed IMR procedures for these systems as part of the building consent application (including interfacing systems). • Reject or refuse to accept the application for processing if this information is not provided. <p>The quality of the compliance schedule is dependent on the quality of the specified system information supplied at building consent application time. (Refer to the definition of 'plans and specifications' under section 7 of the <i>Building Act 2004</i>).</p>
<p><i>Policies and procedures</i></p>	
<p>Most councils, either had no documented policies and procedures for BWoFs and amending compliance schedules or, if they had them, they were in need of an update (eg removing the reference to 'licensed building practitioners' and to reflect what the councils actually do).</p>	<ul style="list-style-type: none"> • Document policies and procedures for BWoFs and amending compliance schedules (and preferably all TA functions). • Ensure the documented policies and procedures are communicated to all relevant staff and provide targeted training wherever necessary. <p>Such documentation is a useful resource for new staff and for experienced staff who do not carry out these TA functions on a regular basis.</p>
<p><i>On-site audits</i></p>	
<p>Of the 23 councils:</p> <ul style="list-style-type: none"> • seven did not undertake on-site audits, or so few were undertaken 	<ul style="list-style-type: none"> • Undertake regular on-site BWoF audits, including a rapid 'walk-through' of the building to visually confirm that all

<p>that this activity could be considered non-existent (eg three of 423 buildings with compliance schedules were audited since March 2012)</p> <ul style="list-style-type: none"> • 16 undertook on site-audits. <p>Of those 16 who did undertake site audits:</p> <ul style="list-style-type: none"> • three limited the audits to an on-site paper-based check only • five councils had, in MBIE’s view, unacceptably long periods between audits (ie audited less than 21% of the buildings with compliance schedules since March 2012). <p>Joint council/ MBIE on-site audits were carried out with all 23 councils, and in almost all instances the audits revealed issues which required the council concerned to carry out some form of follow-up action. For example, specified systems needed to be added and/or deleted from the existing compliance schedule, expired BWoF displayed and inappropriately sealed penetrations had compromised an existing fire/smoke separation.</p>	<p>installed specified systems are on the compliance schedule.</p> <p>On-site audits are a critical aspect of the enforcement of the BWoF system.</p> <p>MBIE believes it is good practice to have a three to five-year audit cycle (20-33% per annum) and the audit frequency of a given building should reflect the perceived risk for the use of that building. For instance, it might be appropriate to have annual audits for budget accommodation (eg backpackers’ hostel) and five-yearly audits for low-occupancy industrial buildings.</p>
<p>Enforcement</p>	
<p>Some of the councils were overly ‘customer-friendly’ and did not use NTFs or infringement notices as a building control tool to achieve compliance for compliance schedule and BWoF matters.</p> <p>Six of 23 councils had not issued any NTFs since their introduction in March 2005 and 16 had not issued any infringement notices since the <i>Building Amendment Act 2012</i> came into force on 13 March 2012.</p>	<ul style="list-style-type: none"> • Where appropriate, use NTFs and infringement notices as ‘business-as-usual’ enforcement tools to address non-compliances in relation to compliance schedule and BWoF matters (eg overdue BWoFs). <p>If compliance is achieved promptly via an infringement notice, the council can elect to waive the payment of the infringement fee. (Refer to the Wellington City Council technical review report of 2012 which highlights the benefits of infringement notices as a building control tool)³.</p>

³ The technical review report of Wellington City Council, which includes case studies, is available for free on MBIE’s Building Performance website at: <https://www.building.govt.nz/assets/Uploads/building-officials/technical-review/2012-wellington-technical-review.pdf>.

Certificates of public use

Certificates of public use (CPUs) are remaining in place for unacceptably long periods of time. Of the 23 councils, four had high-occupancy community facilities (eg library, aquatic centre, theatre), some council-owned, that have operated for several years under a CPU. In one case, the council had extended the CPU several times since as early as 2008.

CPUs are intended to be a short-term, interim measure, to cover the period between when the building can be safely and legally occupied by the public and the issue of the code compliance certificate (CCC) for the building consent.

- Councils need to be proactive and encourage the building owner to promptly undertake any outstanding building work and/or provide any outstanding paperwork (as per the building consent) to enable the CCC to be issued.
- Implementing this recommendation with council-owned buildings will ensure the council is seen to be a good role model for the local building sector.
- Section 102 of the *Building Act 2004* requires the BCA to issue the compliance schedule where it is satisfied on reasonable grounds that the specified systems for the building are capable of performing to the performance standards for those systems. Therefore, a compliance schedule (and compliance schedule statement) may be issued with the CPU where this section 102 test is met. In these cases, the compliance schedule needs to be reissued with the CCC to satisfy the requirement of section 102(2). This will help ensure that any changes to specified systems that take place between issuing the CPU and the CCC are reflected in the compliance schedule. (MBIE acknowledges that this differs from previous advice to issue a CPU with the condition that a draft compliance schedule is complied with).

Providing easier access to compliance schedules

Since the compliance schedule is relevant for the life of the building and it states the required IMR procedures, it is a key document for several parties, particularly independent qualified persons (IQPs) who do the maintenance and inspections of the building's specified systems. Anecdotally, MBIE has

- Councils need to ensure that compliance schedules are made readily available to any interested parties, but especially to owners' agents and IQPs.
- MBIE is currently aware of three councils (Marlborough District Council, Hutt City

<p>heard of cases where IQPs have never seen or referred to the relevant compliance schedule, despite requests to the building owner to provide one.</p>	<p>Council and Wellington City Council) that offer an online service where compliance schedules are available to the public. MBIE encourages other councils to provide compliance schedules that are more easily accessible to those parties that matter.</p>
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2.3 Conclusion

All councils had different approaches to undertaking their roles and responsibilities in amending compliance schedules and enforcing the BWoF system. Due to this, varying levels of good practice, non-compliance, legislative understanding and performance were observed.

Overall, MBIE concludes that councils are not administering and enforcing the compliance schedule and BWoF system to an acceptable level and more resources need to be applied.

From the sample of councils reviewed, it is assumed that many of the issues identified could, and probably do, exist at other councils around New Zealand. All councils are encouraged to examine the findings outlined in this report and to consider whether improvements may also be required to their own building control operations.

3. Technical review process

3.1 Who conducts technical reviews

Up until 30 June 2017, technical reviews were conducted by the Consent System team within MBIE's Building System Performance branch. Team members involved in assessing a council's performance of their TA roles have extensive backgrounds in regulatory building control and building compliance. (Note, since 1 July 2017, technical reviews are undertaken by the Building System Assurance team within the Consumer Protection and Standards branch of MBIE's Market Services group).

3.2 Investigative method for the technical reviews

MBIE collects information via three main ways:

- reviewing relevant documentation relating to compliance schedules and the enforcement of the BWoF system, plus other key documentation including the council's procedures and policies
- interviewing building control, management and administration staff
- accompanying council staff when undertaking on-site BWoF audits/inspections (five minimum for a range of building types/uses, including a council-owned building).

3.3 Technical review process – two phases

Each technical review consists of two phases, taking around two weeks to complete from start to finish.

In phase one:

- the council provides information requested by MBIE
- MBIE visits the council and observes the council's building control operations (typically over three days, but can vary between two to five days dependent on the size of the council).
- MBIE verbally advises its findings and recommendations to the council at the exit meeting.

In phase two:

- MBIE provides a brief bullet-point report to the council which confirms the findings and recommendations as presented at the phase one exit meeting.

The report is provided as soon as possible after the visit and typically within a week of the exit meeting.

The reports are not published on MBIE's website which, coupled with the short format, allows these reports to be completed quickly. This is a change from pre-July 2014 reports which required more stringent sign-off within MBIE and took a longer time to provide to the council.

Reports are still subject to the *Official Information Act 1982*.

3.4 Summary report will be published on MBIE's website

Although reports of the individual councils are not published on MBIE's website, this summary of the 2015-17 technical review programme will be posted on MBIE's Building Performance website. This document summarises MBIE's key findings, trends and good practice tips which are beneficial to councils.

4. Legislative background

4.1 Role of territorial authority

Section 12(2)(g) and (h) of the *Building Act 2004* requires a territorial authority to administer and enforce the annual BWoF system.

4.2 Amending compliance schedules

Sections 100-111 of the *Building Act 2004* set out the responsibilities for building owners, BCAs and TAs under the compliance schedule and BWoF systems. All buildings (except single household units that do not have a cable car) containing specified systems, such as fire alarms and lifts, are required to have these systems listed on a compliance schedule. The owner must ensure continued effective operation of the specified systems and confirm on-going inspection and maintenance by publicly displaying a current annual BWoF in their building and providing a copy of the BWoF to the TA.

The amendments to the *Building Act 2004*, which came into effect on 13 March 2012, resulted in two main changes. These two changes are closely linked and one gives effect to the other.

- a) The *Building Act 2004* was amended to make it clear that compliance schedules must be updated to remain consistent with the *Building Act 2004* and regulations when they change. More specifically, an owner (or owner's agent) must apply for an amendment to their compliance schedule:
 - as a result of an amendment to the *Building Act 2004* or any regulation made under it, where the compliance schedule no longer complies with the requirement of the *Building Act 2004* or any regulation made under it; or
 - where it contains information that is no longer required under the *Building Act 2004* or any regulations made under it (section 106(2)(b) of the *Building Act 2004*).
- b) The *Building Amendment Act 2012* made two changes to compliance schedule content which all compliance schedules need to align with as per the above new requirement, these are:
 - compliance schedules must have a description of each specified system in the building, including the type and (if known) make of each specified system (section 103(1)(a) of the *Building Act 2004*).
 - section 103(1)(d) was removed making it clear that 'passive features' are not required to be listed on the compliance schedule and do not require on-going inspection and maintenance under the compliance schedule regime (except where specifically listed as a specified system in regulations). Passive features include means of escape from fire, safety barriers, handheld hose reels, signs required by the Building Code and means of access and facilities for use by persons with disabilities. If passive features were listed on a compliance schedule, owners (or owner's agents) should apply to have these removed for clarity.

4.3 Issuing notices to fix (NTFs)

An NTF (sections 163-168 refer) is a statutory notice requiring a person to remedy a breach of the *Building Act 2004* or regulations made under the *Building Act 2004*. It can be issued for all breaches of the *Building Act 2004* (not just for building work). Some important points about notices to fix are:

- A BCA or TA (responsible authority) must issue an NTF if it believes on reasonable grounds that there has been any breach of the *Building Act 2004* or the building regulations. Common examples could include failing to obtain a building consent, not providing an accurate or truthful

BWoF, or failing to meet the necessary IMR procedures for a compliance schedule issued by the council.

- An NTF may instruct the owner to apply for a building consent or for an amendment to an existing building consent.
- If an NTF relates to building work carried out without a building consent, it can require the owner to apply for a certificate of acceptance.
- If a TA is not satisfied that the requirements of an NTF have been complied with (where building work is required), for example, after a follow-up inspection, it must provide written notice of its reasons for refusing to confirm the notice has been complied with and issue a further NTF to the specified person.

4.4 Issuing infringement notices

Sections 370-374 of the *Building Act 2004* deal with the procedure for infringement offences, including the issue and content of infringement notices and the payment of infringement fees.

The infringement offences and fees are set under Schedule 1 of the *Building (Infringement Offences, Fees, and Forms) Regulations 2007*. Schedule 2 of the Regulations sets out the prescribed form of infringement notice and Schedule 3 sets out the prescribed form for the infringement reminder notice.

There are five infringement offences in relation to compliance schedules and BWoFs:

- Failing to comply with the requirement to obtain a compliance schedule (section 101 refers);
- Failing to supply TA with a BWoF (section 108(5)(aa) refers);
- Failing to display a BWoF required to be displayed (section 108(5)(a) refers);
- Displaying a false or misleading BWoF (section 108(5)(b) refers);
- Displaying a BWoF other than in accordance with section 108 (section 108(5)(c) refers).

Whilst four of the five above-mentioned offences have existed since the inception of building infringement notices in July 2008, the offence of failing to supply the TA with a BWoF came into force on 1 January 2015.

5. Findings – positives

Regional building control forums

- Most councils (generally at Building Control Manager/Team Leader level) were regularly attending regional BCA cluster group meetings (eg Lakes-Coast cluster for the Bay of Plenty, Rotorua and Taupo areas) to discuss a wide range of building control activities, including BWoF and compliance schedule functions.
- The majority of councils were regularly sending their compliance schedule/BWoF officer(s) to attend regional meetings (eg South Island IQP Registration Panel held in Timaru) to specifically discuss matters relating to IQPs, compliance schedules and BWoFs. MBIE supports staff attending such forums as it allows for shared learning and the development of regionally consistent interpretation of policy and procedures.

Forms

- Most councils provided on their websites an application form to amend a compliance schedule (Form 11).

Public information

- Most councils provided compliance schedule and BWoF public information on their websites, which often included links to MBIE's guidance documents *Owners' responsibilities to ensure their buildings are safe to use* and the *Compliance Schedule Handbook*. Some provided hard copy information at front of house or on request.

Building Amendment Act 2012

- Almost all councils had removed all 'non-specified systems', otherwise known as the 'old passives' (eg access/facilities for persons with disabilities, fire hose reels, safety barriers) from existing compliance schedules.
- Existence of evidence, though very limited in some instances, of detailed specified system descriptions and detailed IMR procedures included in recently issued compliance schedules (new or amended), which were a clear improvement on previous generic versions.

6. Findings – opportunities for improvement

Over-arching comments

- Generally, councils focus on their BCA functions, at the expense of their TA functions. Consequently, TA functions, particularly in regards to amending compliance schedules and the enforcement of the BWoF system, are often under-resourced (in terms of staff), under-funded and do not figure as an organisational priority. Virtually all councils reviewed had staffing issues, and in many instances, this building control activity was just one of several roles undertaken by the council officer responsible for compliance schedule and BWoF matters. Furthermore, 16 of 23 councils had backlogs of existing generic compliance schedules (in the range of 22-100%) that were yet to be amended in order to comply with the building-specific requirements of the *Building Amendment Act 2012*. The legislation required these amendments to be completed by **12 March 2013**. Councils need to assess and confirm the extent of their backlogs and then resource as necessary to clear the backlogs as early as possible. The additional or redeployed staff resource should be such that regular on-site BWoF audits can be undertaken. (Note – more details about compliance schedules are provided in the next section).

Compliance schedules

- The most significant issue, in relation to compliance schedules, is implementing the requirements introduced by the *Building Amendment Act 2012*, specifically the requirement that a compliance schedule must:
 - list the specified systems
 - have a detailed description of each specified system
 - list the performance standards for each specified system
 - list the IMR procedures for each specified system.
- Councils need to be more proactive and seek this information from building owners or their agents (eg by contacting/visiting them and advising them of their obligations, or undertake on-site audits and get the information itself). If owners (or their agents) do not provide the required information in a timely manner, councils should consider issuing NTFs. If these NTFs are ignored, proceed to adopt a policy, if one is not already in place, which will allow for the issue of infringement notices for building offences. An infringement fee of \$1000, for ignoring the NTF, may provide an incentive for non-compliant owners to comply, and if compliance is achieved promptly, the TA may elect to waive the payment of the infringement fee.
- Home-based hairdressing salons (where solely operated by the house occupier ie no staff employed) require back-flow prevention devices via a building consent, but not a compliance schedule, as essentially the building remains a single household unit. A cable car is the only specified system that requires a single household unit to have a compliance schedule. Some TAs were found to be requiring such home-based businesses to have compliance schedules.
- Although not a prescribed form, it is suggested that the following be considered when compiling (or amending) a compliance schedule:
 - Delete the word 'amended' from the compliance schedule heading (where applicable);
 - It is helpful to be able to quickly and accurately identify the building the compliance schedule relates to. Some councils have achieved this by including a street-view photograph of the relevant building;
 - Ensure there is no mention of an expiry date, because a compliance schedule is valid for the life of the building;
 - Include the original compliance schedule issue date (including the year);

- Provide version control and include the date, if and when, the compliance schedule is amended (perhaps with a brief description of the amendment, eg 'SS14.2 added, SS15.5 deleted' or refer to the relevant building consent number) so the history of the building can be traced;
- Include a summary list of all specified systems at the front of the compliance schedule (this is particularly useful where the detailed description and IMR procedures for each specified system is stated on separate pages);
- Allow for issuing officer's signature block;
- Number all pages (including any attachments) and provide the total number of pages in the complete document;
- 'Highest fire hazard category for building use' should only be used where a building was designed based on a document using that term, that is, the 'old' pre-2012 C/AS1. (For a 'new-build' compliance schedule, use 'risk group' if appropriate, that is, if designed to one of the Acceptable Solutions C/AS1-7);
- For 'Current, lawfully established use', populate with 'Classified use(s)' from Building Code clause A1 (eg 'Commercial') plus a lay-person's building-type description (eg two-level restaurant and bar);
- 'Purpose group' is now a redundant term, unless the fire design was to the 'old' pre-2012 C/AS1. (For a 'new-build' compliance schedule, consider 'Activity/use group(s)' from the *Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005*);
- Include occupant numbers for each level, if known;
- Always use assertive language which will ensure the requirements of the IMR procedures are clearly and concisely communicated and not left to the reader to interpret or make a decision (eg don't use such words as 'should', 'could', 'not limited to', 'examples' etc);
- Make as building-specific as possible (eg more detail about specified system/ type/ brand/ model/ serial number/ location/ performance standard (including year);
- Generally, it is inappropriate to nominate a Building Code clause as a performance standard for most specified systems. However, occasionally, in the absence of any NZ/international standard or acceptable/alternative solution or verification method or specific design, it may be appropriate to nominate a particular Building Code clause. Furthermore, generic references to the *Compliance Schedule Handbook* or generic statements, such as, 'as per designer's or manufacturer's instructions' (unless a copy is attached to the compliance schedule) are inappropriate performance standards for inclusion in a compliance schedule;
- In terms of future-proofing the compliance schedule, consider:
 - o 1) inserting the relevant text from the nominated standard (eg NZS 4512:2010), which avoids having to physically refer to that document which could possibly be difficult to do in many years' time
 - o 2) for fire alarm/sprinkler system(s), describe these in words, as well as the 'type number' to avoid confusion (to illustrate this point, before 2003, a Type 1 fire alarm was a manual fire alarm system; whereas from April 2003, a Type 1 became a domestic smoke alarm system);
- Delete any reference to 'licensed building practitioner';
- Delete any text from the IMR procedures that is not relevant. For example, do not make reference to 'generator', 'fusible links', 'cooling towers' or 'emergency warning intercommunications system' (EWIS) if they are not installed in the building;
- Provide cross-references as necessary, to clarify the responsible party. For example, where a fire sprinkler system (SS1) has an automatic back-flow preventer (SS7), MBIE recommends that this back-flow preventer is noted on the compliance schedule under both SS1 and SS7. Under SS7, it should be made clear that this particular back-flow preventer will be inspected

and maintained by the sprinkler IQP, and the IQP will be responsible for providing a Form 12A under the compliance schedule requirements of SS1. On a few occasions, MBIE found sprinkler systems with a back-flow preventer, where it was assumed that it was being inspected and maintained by the sprinkler IQP, however, there was no specific mention of this back-flow preventer in the compliance schedule under SS1 or SS7;

- There were instances of backflow preventers (SS7) being found on the property, outside the building, which are not mentioned in the compliance schedule and the building owner was unable to advise who owns or is responsible for the inspection/maintenance of this specified system. Councils should confirm who is responsible for maintaining the backflow preventer. If it is the network utility operator, a simple note of clarification would suffice on the compliance schedule. If it is the building owner's responsibility, MBIE would expect to see a detailed specified system description and IMR procedures included in the compliance schedule;
- MBIE's *Compliance Schedule Handbook* provides a selection of IMR procedures that may be appropriate for a specified system. Each specified system on a compliance schedule should only have one set of IMR procedures. Therefore it is not appropriate, nor does it make sense, for a compliance schedule to have full sections of the handbook copied in to provide multiple options for inspection and maintenance. There may be instances for an older existing building where it is appropriate to have more than one inspection and maintenance standard, and this needs to be reflected in the compliance schedule (eg where the building has had several fire system upgrades during the course of its life);
- Allow for documentation to be attached to the compliance schedule to help locate specified systems and ensure they are inspected and maintained completely and correctly. This could include plans, specified system data sheets, fire reports, photos of alarm panel schematics etc. This is particularly useful for those not familiar with the building (eg a new or replacement IQP). Ensure adequate cross-referencing is provided within the main body of the compliance schedule so it is clear that the attachment is an integral part of the compliance schedule (eg 'as per attached drawing xx/yy');
- Treat the compliance schedule as a 'living' document and amend (in consultation with the building owner) when useful detailed information comes to hand (eg as a result of an on-site audit finding). As the compliance schedule is valid for the life of the building, the more building-specific information (relating to the building's installed specified systems) that can be incorporated in the compliance schedule, the easier and better it will make it for future owners and IQPs to do what is necessary to keep the specified systems functioning as designed and installed.

Building consent information gathering

- Ensure building consent applicants provide detailed specified system descriptions (including performance standards), and the proposed IMR procedures for these systems as part of the building consent application (including interfacing systems). Reject or refuse to accept the application for processing if this information is not provided. The quality of the compliance schedule is dependent on the quality of the specified system information supplied at building consent application time. (Refer to the definition of 'plans and specifications' under section 7 of the *Building Act 2004*).
- Some regions have developed a specified system input sheet (eg Southern Building Control Group – BCAs/TAs for the southern half of the South Island) to assist applicants and IQPs to provide quality, building-specific, specified system information when creating new or amended compliance schedules. These regional groups need to regularly review these specified system input sheets to ensure they are appropriate and fit for purpose.

Policies and procedures

- Consider documenting policies and procedures for BWoFs and amending compliance schedules not captured by the building consent process (and preferably all TA functions). Such documentation would be a useful resource for new staff and for experienced staff who do not carry out these TA functions on a regular basis. Ensure that the documented policies and procedures are communicated to all relevant staff and provide targeted training wherever necessary.

Forms

- Ensure all prescribed forms, for example, Forms 10 (compliance schedule statement) and 11 (application for amendment to compliance schedule) comply fully with the *Building (Forms) Regulations 2004*.
- Some councils had developed a form that combined an application for a compliance schedule with an amendment to a compliance schedule. This is not appropriate, as it changes the meaning of prescribed Form 11. If a council elects to have an application form dealing with section 102A of the *Building Act 2004* (procedure for obtaining compliance schedule where building consent not required) this must be a separate application from the Form 11.

Public information

- Consider enhancing the public information relating to compliance schedules and BWoFs on council websites by including links to MBIE's guidance documents *Compliance Schedule Handbook*⁴ and *Owners' responsibilities to ensure their buildings are safe to use*⁵. Suggest hard copies of these MBIE guidance documents be made available at the front of house and perhaps send reduced A5-size copies to new owners of buildings with compliance schedules and/or with BWoF reminder letters.
- Delete any reference to 'licensed building practitioner' (as a result of an amendment to the *Building Act 2004* which came into force on 13 March 2012).

BWoFs

- Consider sending BWoF reminder letters to owners (or their agents) before the BWoF expiry date, in order to reduce the volume of follow-up work for overdue BWoFs.
- Ensure all supplied BWoFs are checked against the compliance schedule, Form 12As, IQP register etc. Also, ensure all prescribed information is provided and appropriate. For example, some of the fields on the BWoF were populated with inappropriate text such as 'N/A' for the 'location of building within site/block number' and 'level/unit number' fields, and 'unknown'⁶ or 'as per latest compliance schedule' for 'maximum number of occupants that can safely use this building'⁷ or simply left unpopulated.
- Track BWoFs and compliance schedule statements, and follow-up as necessary. It was noted that one TA had two licensing trust buildings (ie restaurant/bar) that had not had the required BWoF since 2012, and 2013 respectively. Furthermore, at the time of MBIE's review visit, the first building had an expired compliance schedule statement on display (issued 2011), while the second building had no compliance schedule statement or BWoF on display. Clearly, the building

⁴ <https://www.building.govt.nz/building-code-compliance/building-code-and-handbooks/compliance-schedule-handbook/>

⁵ <http://www.building.govt.nz/managing-buildings/managing-your-bwof/owner-responsibilities-about-bwofs-and-compliance-schedules/>

⁶ This may be appropriate if the information was never considered or required as part of the approval process.

⁷ Not mandatory.

owners are unaware of their responsibilities under the current legislation and require some guidance/advice from the TA. Undertaking on-site audits provides a 'face-to-face' opportunity to provide education.

On-site BWoF audits

Recommendations

- It is strongly recommended that all councils undertake regular on-site BWoF audits, including a rapid 'walk-through' of the building to visually confirm that all installed specified systems are on the compliance schedule. These audits also allow the authenticity of IQPs' paperwork to be assessed. Without undertaking on-site audits, the council is presuming that the IQP is doing what they are supposed to be doing. MBIE believes that undertaking on-site audits is a fundamental activity of the BWoF enforcement system. Some councils are currently not undertaking on-site BWoF audits because they are under the misconception that its staff need to have the equivalent technical skills of an IQP. MBIE does not expect council staff undertaking such audits to physically carry out tests on systems or have detailed knowledge of the various performance standards that relate to specified systems.
- MBIE's view is that it is good practice to have a three to five-year audit cycle (20-33% per annum) and the audit frequency of a given building should reflect the perceived risk for the use of that building. For instance, it might be appropriate to have annual audits for budget accommodation (eg backpackers' hostel) and five-yearly audits for low-occupancy industrial buildings.
- MBIE encourages 'marking-up' floor plans when carrying on-site BWoF audits and attaching these to the compliance schedule. These plans help to easily identify the locations of specified systems within a building and are especially useful for back-flow preventers which are often difficult to locate.

Observations

- Of the 23 councils reviewed, seven were considered not to be undertaking on-site BWoF audits, and a further three councils limited the audits to an on-site paper-based check only. Five other councils that did undertake on-site BWoF audits, had, in MBIE's view, unacceptably long periods between audits (ie audited less than 21% of the buildings with compliance schedules since March 2012). Refer to Tables 1 and 2 on pages 6 and 7 respectively.
- The majority of buildings that were audited need to have more building-specific compliance schedules, and most required the addition and/or deletion of specified systems and/or identifying different types of a given specified system. For instance, at a new supermarket (completed in 2014), the on-site audit revealed the following issues about the compliance schedule:
 - Omitted SS3/2 (access-controlled doors), SS14/1 (emergency power) and carbon dioxide detection system under SS2 (emergency warning system);
 - Included SS3/3 (interfaced fire doors/windows) and yet none were sighted;
 - Plenty of scope for more building-specific information (eg several back-flow preventers on site, but the information was limited to location only and there were a variety of ventilation/air conditioning systems but no specifics were provided);
 - Did not reflect a complex of three detached buildings with multiple retail tenancies (appeared to be only a single detached supermarket building);
 - Difficult to locate the specified systems as no drawings or fire reports were attached.
- It was apparent from some of the buildings visited, that building owners were unaware, or confused, about their statutory obligations under the *Building Act 2004*. MBIE found instances of:

- certificate for public use (CPU) being publicly displayed, rather than the compliance schedule statement or BWoF;
- BWoF was for the wrong building;
- a TA displaying an invalid BWoF, as it covered a period of five months rather than the required 12 months;
- IQP's covering letter in regard to the BWoF being publicly displayed, rather than the BWoF;
- expired compliance schedule statement or BWoF publicly displayed;
- current compliance schedule statement or BWoF displayed, but not in a publicly accessible area;
- current compliance schedule statement or BWoF displayed in a public area, but positioned such that it could not be easily read (eg behind a reception counter);
- no BWoF on display anywhere in the building.

This suggests that building owners require more guidance from their councils. On-site audits create an ideal opportunity to provide some education to building owners about compliance schedules and the BWoF system.

- It was noted that there was a correlation between council on-site BWoF audits and the quality of on-site IQP inspection and maintenance records/paperwork. MBIE noted that councils that had elected to not carry out on-site BWoF audits tended to encounter poorer quality on-site records and paperwork. There was a noticeable improvement where IQPs were aware that councils were carrying out enforcement via regular random audits.
- There were a few instances of non-compliant council-owned buildings (eg compliance schedules not aligning with the installed specified systems, expired or non-compliant BWoFs, compromised fire separations). It is important that councils are seen to be 'walking the talk' by being good role models for their respective local building sectors.
- Councils are entitled to charge for on-site BWoF audits, or any other services relating to compliance schedules and BWoFs.
- Inspect penetrations of fire/smoke separations whenever possible. It is acknowledged that this is a specialist area and that these are often difficult to identify without drawings/fire reports attached to the compliance schedule. MBIE does not expect council staff to be able to identify that the appropriate fire-rated sealant has been applied, but MBIE expects that obvious issues of inadequate sealing (eg seeing natural or artificial light through a wall/floor penetration) would be highlighted and rectified as appropriate.
- Building Code clause G5.3.5 requires enhanced listening systems to be provided in certain types of buildings. MBIE visited quite a number of buildings where this Building Code clause applied (including several, recently built, council-owned events centres) and yet these facilities for the hearing-impaired had not been installed. Building officers need to ensure they consider the requirements of this Building Code clause when they are processing plans for such buildings (eg public halls, cinemas, aged-care facilities), and where appropriate, include this specified system (SS12) in the compliance schedule. Furthermore, clause G5.3.5 should also be considered by consent processing officers when assessing alterations (or change of use) to the aforementioned buildings, as enhanced listening systems are included in access and facilities for persons with disabilities when applying the test under section 112(1) (or section 115) of the *Building Act 2004* to determine a building upgrade 'as nearly as is reasonably practicable'.

NTFs and Infringement notices

- Some of the councils were overly 'customer-friendly' and did not use NTFs or infringement notices as a building control tool to achieve compliance for compliance schedule and BWoF matters. Six of 23 councils had not issued any NTFs since their introduction in March 2005 and 16

had not issued any infringement notices since the *Building Amendment Act 2012* came into force on 13 March 2012 (refer to Tables 1 and 2 on pages 6 and 7 respectively).

- MBIE notes that most councils use infringement notices for offences related to parking, animal control and freedom camping, yet there appears to be a reluctance to use them for building offences, which would assist in ensuring the safety of building occupants/public.
- Where appropriate, use NTFs and infringement notices as ‘business-as-usual’ enforcement tools to address non-compliances in relation to compliance schedule and BWoF matters (eg overdue BWoFs)⁸. (Note that the TA must issue an NTF under section 164(2)(b) and (c) of the *Building Act 2004*.)
- Councils who have not adopted a policy to issue infringement notices for building offences or have elected to issue infringement notices for building offences other than for compliance schedule/BWoF offences, may wish to reconsider. Many councils have advised that infringement notices have proved to be an effective building control tool, particularly for the five-compliance schedule/BWoF offences, as stated in Schedule 1 of the *Building (Infringement Offences, Fees, and Forms) Regulations 2007*. These offences include failure to supply a BWoF to the TA (council), which was introduced on 1 January 2015. If prompt compliance is achieved, the council has the option to waive the payment of the infringement fee.

Certificates of public use (CPUs)

- The CPU is intended to be a short-term, interim measure to cover the period between when the building can be safely and legally occupied by members of the public and the issue of the code compliance certificate (CCC) for the building consent. It was noted that four of 23 councils had high-occupancy community facilities (eg library, aquatic centre, theatre), some council-owned, that have operated for several years under a CPU. In one case, the TA had extended the CPU several times since as early as 2008.
- It is essential that the building’s specified systems be inspected and maintained if the building is occupied. In many cases a CPU had been issued with no requirement to ensure regular inspection and maintenance. For example, one CPU stated ‘the specified systems are to remain operational and fully functional’ – what does that actually mean? Section 102 of the *Building Act 2004* requires the BCA to issue the compliance schedule where it is satisfied, on reasonable grounds that the building’s specified systems are capable of performing to the performance standards for those systems. Therefore, based on recent in-house advice, MBIE is of the view that a compliance schedule (and compliance schedule statement) may be issued with the CPU where this section 102 test is met. In these cases, the compliance schedule will need to be reissued with the CCC to satisfy the requirement of section 102(2). This will help ensure that any changes to specified systems which happen between the issue of the CPU and the CCC are reflected in the compliance schedule. (MBIE acknowledges that this differs from previous advice where the only option was to issue a CPU with the condition that a draft compliance schedule is to be complied with. Refer to page 25 for more comment on draft compliance schedules).
- Before issuing a CPU, the TA should ensure that any fire suppression or alarm system installation has been inspected and certified by an accredited inspection body (eg Aon, Fire Protection Inspection Services (FPIS)).

⁸ Many councils have advised that infringement notices have proved to be an effective building control tool. For example, see the Wellington City Council technical review report at: <https://www.building.govt.nz/assets/Uploads/building-officials/technical-review/2012-wellington-technical-review.pdf>.

Staff training

- Provide targeted compliance schedule/BWoF training to all relevant staff, for example, CCC assessors, commercial building inspectors, technical BWoF officers and those providing administrative support.

Regional building control forums

- Encourage councils which are not involved in a regional cluster group to develop a regionally consistent approach for BCA/TA functions, including compliance schedule/BWoF matters. This includes developing a regional IQP register, rather than neighbouring councils having individual IQP registers with different skills/qualifications criteria in order to become a registered IQP.

7. Good practice tips

Unoccupied buildings

- Many councils were putting compliance schedules 'on hold' where the building was unoccupied or vacant. This method is not supported by the *Building Act 2004*. MBIE recommends one of the following options be taken - 1) decommission and remove the specified systems via a building consent (which is generally impractical) or 2) amend the compliance schedule to reflect an agreed reduced IMR procedures (between the council and owner). If the second option is not put in place and IMR procedures stop, any BWoF issued is technically invalid because the IMR procedures of the specified systems have not been carried out in accordance with the compliance schedule.

Draft (or interim) compliance schedules

- Consider issuing a draft compliance schedule (preferably water-marked) appended to the building consent (Form 5). The building consent is required to state if a compliance schedule is or is not required for the building, list the specified systems and provide their performance standards. In addition, the BCA should have the proposed IMR procedures from the building consent application. If appropriately cross-referenced in the building consent, it is acceptable for the draft compliance schedule to be attached to the building consent. MBIE is of the view that this procedure satisfies the requirements of the *Building Act 2004* and prescribed Form 5.
- MBIE believes the best time to compile a draft compliance schedule is during the processing of the building consent, as the processing officer is familiar with the plans and specifications, including the details of the proposed or altered specified systems.
- The draft compliance schedule is also a useful checklist/reference document which will assist the building inspector when undertaking the final inspection. (If possible, MBIE suggests that a staff member with expertise in specified systems and the compliance schedule/BWoF system accompany the inspector on the final inspection).
- A draft (or interim) compliance schedule is particularly useful when a CPU is issued (if a full/final compliance schedule is not issued under section 102). The CPU can be conditioned to require the specified systems to be inspected, maintained and records kept, in the interim, in accordance with the draft compliance schedule until such time that the final compliance schedule can be issued with the CCC. It is strongly recommended that an expiry date is placed on the CPU and is conditioned requiring the CPU to be publicly displayed.

On-site BWoF audits

- When undertaking an on-site BWoF audit it is recommended that the council officer take the council copy of the compliance schedule to refer to during the audit. This is because some IQPs create their own version of the compliance schedule and this is sometimes the version that is held on-site. The BWoF is issued against the council's compliance schedule and not the IQP's version. Copies of the plans held by the council may prove to be useful during the audit, which could be 'marked-up' to indicate the location of specified systems.
- Where an IQP agent is acting on behalf of the owner, it is recommended that any correspondence related to the audit (including council's completed audit check-sheet) is drop-copied to the building owner in order to keep them fully informed. MBIE believes this is good practice for all council correspondence pertaining to compliance schedule and BWoF matters.
- For new-build compliance schedules, it is suggested that an on-site inspection is undertaken as early as possible and no later than six months after issue. This will ensure owners understand

their responsibilities and obligations in regard to the compliance schedule requirements. Taking this early proactive step is likely to minimise compliance issues for the owner and potentially save time for council officers who would normally have to deal with resolving such situations.

Notices to fix (NTFs)

- When issuing NTFs, consider inserting the actual *Building Act 2004* text to which the non-compliance refers. Paraphrasing can unintentionally lead to a change of interpretation and could possibly result in the NTF being technically challenged. Contraventions, observations and comments should be limited to the covering letter accompanying the NTF.

Infringement notices

- Councils should make a reasonable attempt at finding the date of birth for the person who has committed the building offence and include this on the infringement notice. By not including the birth date on the infringement notice there is a possibility that a legal challenge could be upheld.

Compliance schedules for sites with multiple buildings

- On sites where there are multiple buildings with specified systems (eg schools, hospitals, universities) there are three options in relation to how to deal with compliance schedule requirements: 1) a single compliance schedule to cover all buildings 2) a compliance schedule for each of several groups of buildings, or 3) a compliance schedule for each building.
- In instances where there is a single compliance schedule to cover all buildings (or a group of buildings), it is important that the compliance schedule is specific enough to clearly identify what specified systems are installed in any given building and the detailed IMR procedures for those systems. Furthermore, a single BWoF displayed in a place where building users have ready access (eg reception area to school office) satisfies the legislative requirements for the whole site (or a group of buildings). However, this does not prevent an owner from displaying a copy of this BWoF in each building on the site or campus (or within the group of buildings), if they so wish.
- Where each building has its own compliance schedule, a BWoF for the building's compliance schedule is required to be publicly displayed in that building. Therefore, each building with a compliance schedule within the campus would be required to have a unique BWoF displayed.

Providing easier access to compliance schedules

- Since the compliance schedule states the required IMR procedures for the life of the building, it is a key document for several parties, particularly IQPs who do the maintenance and inspections of the building's specified systems. Anecdotally, MBIE has heard of cases where IQPs have never seen or referred to the relevant compliance schedule.
- Councils need to ensure that compliance schedules are made readily available to any interested parties, but especially to owners' agents and IQPs. MBIE is currently aware of three councils (Marlborough District Council, Hutt City Council and Wellington City Council) that offer an online service where compliance schedules are available to the public. MBIE encourages other councils to provide compliance schedules that are more easily accessible to those parties that matter.

8. Acknowledgements

MBIE would like to thank all the councils involved in the 2015-17 technical review programme for their cooperation, time and input. One aim of these technical reviews is to work collaboratively with councils to improve their performance. This has been achieved and awareness in relation to compliance schedules and the enforcement of the BWoF system has been lifted. The findings and recommendations will benefit other councils and the building sector generally.

9. Information and guidance

- MBIE's publication *Compliance Schedule Handbook* is freely available at: <http://www.building.govt.nz/building-code-compliance/building-code-and-handbooks/compliance-schedule-handbook/>.

It includes a guide to developing a compliance schedule for a specified system or systems in a building, including guidance on the associated inspection, maintenance and reporting procedures.

- Refer to MBIE's online guidance regarding building owner obligations for buildings with compliance schedules at: <https://www.building.govt.nz/managing-buildings/managing-your-bwof/>.
- MBIE's publication *Owners' responsibilities to ensure their buildings are safe to use* is freely available at: <http://www.building.govt.nz/managing-buildings/managing-your-bwof/owner-responsibilities-about-bwofs-and-compliance-schedules/>. This document provides guidance to building owners (and their agents) on how to meet the requirements of the *Building Act 2004* relating to BWoFs, compliance schedules and related matters.
- The technical review reports for Marlborough District Council, Hutt City Council and Hamilton City Council, which include case studies, are available for free on MBIE's Building Performance website at: <http://www.building.govt.nz/technical-reviews>. These reports deal specifically with the amending of compliance schedules (not captured by the building consent process) and the enforcement of the BWoF system, as does the *Summary of the 2014/2015 technical review programme* (published in December 2015). There are also several other published technical review reports (from 2009 onwards) that include compliance schedule and BWoF matters, but case studies have not been included.
- Building Research Association of New Zealand (BRANZ) Bulletins dealing with passive fire protection – 510 (introduction), 512 (roles and responsibilities), 514 (on-site installation) and 517 (maintenance and on-going compliance). All can be purchased at: http://www.branz.co.nz/bulletins%3Fa%3D1%26cat_name%3DBulletins%26cat_id%3D1&rp=3.
- Building Networks document *100 Hot Tips for IQPs* (also called 101 Building Rules) is freely available at: <http://www.buildingnetworks.co.nz/uploads/3/0/5/1/30517290/100-hot-tips-for-iqps.pdf>.

Its focus is to help IQPs work with councils to ensure better outcomes for building owners with minimum problems for everyone involved.