A 2004 fatality associated with a hydraulic water lift in a commercial building highlighted the importance of all parties involved in installing lifts in buildings adhering to the terms of the Building Act.

This information was confirmed as current in February 2016. It originally appeared in Codewords newsletters prior to January 2014.

The Building Act regulates building work to ensure that people who use buildings can do so safely without endangering their health.

At the time, the Department of Building and Housing held discussions with the Department of Labour who investigated the incident, and undertook to take steps to publicise the importance of meeting the Building Act's requirements when a lift is being installed in a building.

The lift that caused the fatality had no building consent. It should have had a building consent before being installed, and it should have had a code compliance certificate issued on completion of the work. The terms of the Act also require that a lift is subject to an ongoing maintenance regime. These requirements are specifically designed to protect and reassure users.

Building consent

To obtain a building consent, the proposal for the lift must meet the relevant performance requirements of the Building Code and, in particular, Clause D2 Mechanical Installations for Access. Compliance with the Building Code can be achieved by following our D2 Acceptable Solution or by an alternative solution.

The D2 Verification Method provides 'deemed-to-comply' solutions which must be accepted as establishing compliance with the Building Code. An alternative solution is a lift proposal put forward by the owner that differs from the D2 Acceptable Solution and has been assessed and approved by the building consent authority.

Compliance schedule

The building's compliance schedule will list the lift's ongoing maintenance and inspection requirements to be performed by independent qualified persons (IQPs) to ensure the lift stays in good working order.

Obligations

The building owner, building consent authority (BCA) and territorial authority (TA) all have obligations under the Building Act for the construction of a lift in a building. A summary of the main points follows (applicable Building Act sections are also given below).

The building owner must:
The BCA must:

- apply for a building consent for the construction of a lift (section 44)
- submit plans and specifications that detail the proposed lift installation and, in the case of an alternative solution proposal, substantiates why the owner believes compliance with the Building Code will be achieved. Plans and specifications, in addition to providing the physical details of the proposed lift, should also include:
  - other details of the owner's intended inspections throughout construction
  - except in the case of a lift in a single household unit, the owner's proposals for maintenance and inspection for compliance schedule purposes, in other words what the owner considers is necessary to keep the completed lift in good working order (sections 7 and 45).
- carry out the building work, including performing inspections throughout construction, in accordance with the building consent
- apply for a code compliance certificate on completion of the work (section 92) and obtain the compliance schedule (section 101)
- meet the requirements of the compliance schedule, including hiring IQPs to perform the necessary maintenance, inspection and reporting procedures (section 105)
- keep all reports for a period of two years (section 110)
- in the first 12 months, display a statement from the territorial authority advising of the compliance schedule and where it is held, and the specified systems covered by the compliance schedule (section 105)
- annually issue and display the updated building warrant of fitness confirming that the necessary inspection, maintenance and reporting requirements of the compliance schedule have been met (section 108).

The BCA must:

- at the building consent stage, consider the proposals and decide whether it is satisfied on reasonable grounds that the lift, if built in accordance with the plans and specifications, will comply with the performance requirements of the Building Code. If so, the BCA must grant the building consent (section 49); if not, it must reject the application, advising its reasons (section 50).
- throughout the construction phase, perform whatever inspections it considers necessary to ensure the lift is built in accordance with the building consent (section 90). The inspections the BCA elects to perform will be influenced by the owner's inspections, as advised in the plans and specifications and approved by the BCA at building consent stage.
- when construction of the lift is completed, decide if it is satisfied on reasonable grounds that the lift complies with the building consent. If so, it can issue the code compliance certificate (CCC); if not, it must issue a notice to fix (sections 94 and 164).
- with the CCC, and based on the information submitted in the plans and specifications, issue the compliance schedule requirements for the lift, nominating the ongoing maintenance, inspection and reporting requirements necessary to ensure the lift continues to perform as consented (s 100-103)
- provide a copy of the compliance schedule to the TA (section 104).

The TA:

- vets, approves and registers lift IQPs
- must issue the statement advising of the compliance schedule and where it is held (section 105)
- may amend the compliance schedule where it considers this is necessary to ensure the lift continues to perform as consented (section 107)
- can inspect the lift and the records of maintenance and inspection at any time during normal working hours to check that the building warrant of fitness has been correctly issued (section 111).

This is a brief summary only of the main relevant provisions in the Building Act and is not to be taken as a complete list. Other provisions exist giving the BCA and TA powers where the Building Act's requirements have been contravened and which allow for heavy penalties. The Building Act also has provisions regarding dangerous buildings that could be invoked for a lift in a building.

The Building Act recognises the importance of lifts to the built environment and the potential hazard they pose to life safety. Because of this, checks are required at design stage, during construction and on completion. The Building Act requires ongoing checks and maintenance to ensure the lift remains at the standard to which it was consented.
This information is published by the Ministry of Business, Innovation and Employment's Chief Executive. It is a general guide only and, if used, does not relieve any person of the obligation to consider any matter to which the information relates according to the circumstances of the particular case. Expert advice may be required in specific circumstances. Where this information relates to assisting people:

- with compliance with the Building Act, it is published under section 175 of the Building Act
- with a Weatherlight Services claim, it is published under section 12 of the Weatherlight Homes Resolution Services Act 2006.

https://www.building.govt.nz/building-code-compliance/d-access/d2-mechanical-installations-for-access/building-act-requirements-for-lifts/