

# Introduction of a new fee for second or subsequent Certificate of Public Use for Commercial Buildings under the Building Act 2004.

## What is being proposed?

The Invercargill City Council proposes to introduce a new fee for the second or any subsequent Certificates of Public Use (CPU) for Commercial Buildings issued under the Building Act 2004 (the Act). The proposed fee is \$5,000.

## Why is this fee being proposed?

The motivation behind the new fee is public safety.

The Act has the following purposes:

- (a) to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that—
  - (i) people who use buildings can do so safely and without endangering their health; and
  - (ii) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and
  - (iii) people who use a building can escape from the building if it is on fire: and
  - (iv) buildings are designed, constructed, and able to be used in ways that promote sustainable development:
- (b) to promote the accountability of owners, designers, builders, and building consent authorities who have responsibilities for ensuring that building work complies with the building code.

To minimise risk to both the building owner and to the Council, it is important that all building work is completed and a Code Compliance Certificate is issued. A Code Compliance Certificate is the only document issued by the Council as a Building Authority, that confirms that the building work undertaken complies with the Building Code.

The Act provides for the use of Certificates of Public Use (CPU) for Commercial Buildings. A CPU is a document that allows the operator of a building to use the building pending final sign off of the Code Compliance Certificate. It is primarily concerned with safety systems to be sure that the public can use the building safely and in the event of fire can evacuate.

The Council recognises that there are some circumstances in which it is appropriate that a building is open to the public prior to a Code Compliance Certificate being issued, and that a CPU is the appropriate process for this. The CPU allows public use of a building while the final stages of construction is completed. If a building has not been issued a Code Compliance Certificate and does not have a current CPU, it should not be being used.

Currently, a number of buildings in the Invercargill City District are operating on a CPU. Council wants to encourage building owners to finish the necessary building work and apply for a Code Compliance Certificate. Council considers that the new \$5,000 fee will actively encourage building owners to complete building work and apply for the Code Compliance Certificate. This will better ensure public safety and reduce the risk faced by both Building Owners and the Council.

## What happens if I apply for a CPU?

The first time that a building owner applies for a CPU there is an application fee of \$350. As a part of the application, the Council will require the Building Owner to supply a list of work that needs to be completed to enable the issuing of a Code Compliance Certificate and a timeframe for the completion of this work. The initial CPU will be issued for a period of up to six months, this was previously a period of three months. If at the end of the six-month period the building owner has not applied for a Code Compliance Certificate, they will need to apply for a further CPU. The fee for this CPU will be \$5,000.

The Council recognises that not all building projects are the same, and that in some cases, extenuating circumstances may exist that make it difficult for a building owner to have all the necessary information ready for the issuing of a Code Compliance Certificate. The Director of Environmental and Planning Services has the authority to reduce or waive fees on a case by case basis. Should a building owner consider that they are not going to have applied for a Code Compliance Certificate within the six-month timeframe, it is important that they contact the Building Services Team to discuss the issues and the potential solutions.

### Local Authority Compliance Certificate

To receive an alcohol licence under the Sale and Supply of Alcohol Act 2012, an applicant has to have a Local Authority Compliance Certificate. This certificate shows that the development complies with both the Resource Management Act, Council's District Plan and also the Building Code. To show compliance with the Building Code a building owner needs to have a Code Compliance Certificate, not just a CPU. It is particularly important that licensed premises have a Code Compliance Certificate for the safety of patrons as members of the public utilising a licensed premise may be impaired due to the consumption of alcohol.

## How do I have my say on this proposal?

To have your say on this proposal you need to provide feedback to the Invercargill City Council by **5pm, Tuesday 4 April, 2017.**

You can provide your feedback through writing to:

The Manager – Strategy and Policy  
Invercargill City Council  
Private Bag 90104  
Invercargill 9840

Or by emailing: [policy@icc.govt.nz](mailto:policy@icc.govt.nz)

## Can I talk to the Mayor and Councillors about this proposal?

If you would like to speak to the Mayor and Councillors regarding the proposed fee, the opportunity to do so will be provided on 10 April 2017, with a reserve day scheduled for 11 April. Please indicate in your feedback if you would like this opportunity.

## How do I get further information?

To get further information on this proposal, contact Melissa Short, Manager- Strategy and Policy or Brendan Monaghan, Manager - Building Services on 03 211 1777.