

Building work involving multiple permits

This updates the previous *Practice Note 2005-28* issued June 2005.

1. Summary

Where different relevant building surveyors (RBS) are involved in different parts of the same building or development, there may be difficulties experienced with the documentation and co-ordination of permits.

Building work for which one building surveyor is the RBS, cannot be considered in isolation from the remainder of a complex. The RBS has a duty of care to advise clients of matters affecting interaction with the rest of a building, together with a legal responsibility to correctly issue certificates of final inspection and occupancy permits.

2. Common examples where multiple permits will be utilised

Multiple permits typically occur with:

- ▶ 'shell and core' construction; or
- ▶ multi-storey residential buildings; or
- ▶ commercial buildings, such as unit factories, offices or shopping centres;

where one relevant building surveyor issues a building permit for the base building, with fitouts to allow for occupation on different floors, or in separate tenancies, being the subject of separate permits issued by different building surveyors.

3. Documentation

Documentation and details required for the building permit, certificate of final inspection or occupancy permit must be to the satisfaction of the RBS, to enable construction, commissioning and ongoing operation and maintenance of the building to be undertaken in accordance with the *Building Act 1993* (the Act) and *Building Regulations 2006* (the Regulations).

3.1 Building permit

The building permit application and accompanying documentation is to be submitted pursuant to regulations 302, 303, 304 and 305.

In respect of a stage of building work, the RBS can exempt an application from any requirement of sub-regulation (1) to (5) which the RBS considers is not necessary or not appropriate to that stage.

The Act allows a building permit to be issued for a stage of building work, which can result in a building surveyor being responsible only for a portion of the work being undertaken on the building. Refer to Practice Note 2005-36 for information on staged building permits.

On the building permit, the RBS shall nominate whether an occupancy permit or certificate of final inspection is required prior to the occupation or use of the building.

Where the RBS issues a building permit that would not allow construction to reach the point where the building is suitable for occupation, a certificate of final inspection should be issued on completion. However, where work is to be completed to the point of occupation, an occupancy permit is required, except in the cases cited in section 21(2) of the Act. Reference should also be made to sections 38 and 46 of the Act if clarification is required in relation to the intent of certificates of final inspection and occupancy permits.

3.2 Liaison

The RBS should liaise with the other RBS where appropriate, particularly in the case where a site has separate projects (with different RBS) in progress at the same time eg. in shell and core construction.

3.3 Certificate of final inspection and occupancy permit

Upon completion of all building work approved by the building permit, the RBS will either consider the occupancy permit application or the issue of the certificate of final inspection.

3.3.1 Certificate of final inspection

To assist with satisfactory completion of the building, if a certificate of final inspection is issued for a stage of building work, the RBS should include a statement of critical decisions made in deciding to issue a certificate of final inspection. This will alert any subsequent RBS of any issues for consideration during the issue of any future certificates of final inspection, building permits, occupancy permits or temporary approvals.

A certificate of final inspection could also, if necessary, include endorsements/notes indicating work necessary to bring the building to a stage suitable for occupation. The documentation required for the issue of the certificate of final inspection should be to the satisfaction of the RBS under section 38 of the Building Act and regulation 1006 of the Regulations.

3.3.2 Occupancy permit

In determining whether to issue an occupancy permit for part of a building, all other parts of the building considered necessary for the safe occupation of the part to which the proposed occupancy permit will apply must also be considered and, if necessary, further work to ensure that the part is suitable for occupation must be carried out in those other parts before issuing the occupancy permit. The documentation required for the consideration of the occupancy permit application should be to the satisfaction of the relevant building surveyor under sections 41 and 42 of the Act and regulation 1002 of the Regulations. Refer to Practice Note 2006-24 for the consideration of occupancy permits.

3.3.3 Essential safety measures

The RBS, when issuing certificates of final inspection and occupancy permits, must include a condition or determination which lists the essential safety measures pertaining to the building and the level of performance required for each essential safety measure.