



Auckland Council
Te Kaitiaki o Tāmaki Makaurau

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New Zealand
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FORM 13

Notice to Fix

Section 164 and 165 of N.Z. Building Act 2004

NTF Number:

[REDACTED]

To:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

And To:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Location (please tick)

☐ Franklin

☐ Manukau

☒ Papakura

The Building

Property Reference Number:

[REDACTED]

Street Address of Building:

[REDACTED]

Legal Description of Land:

[REDACTED]

Building Name:

[REDACTED]

Location within site / block number:

N/A

Level / Unit Number:

N/A

Building Consent Number:

N/A

A. Particulars of Contravention or Non-Compliance

Contrary to Section 17, of The Building Act 2004 (all building work must comply with the New Zealand Building Regulations 1992, the "Building Code"), and

Section 100 (3), (a), (i) of the Building Act 2004, (buildings not used wholly as a single household unit requires a compliance schedule if it has a specified system, and

Section 114 of the Building Act 2004 (Owner must give notice of a change of use, extension of life, or subdivision of buildings).

- a) The change of use to the existing mezzanine floor [REDACTED] area into sleeping accommodation.
- b) The failure to install fire rated linings to the accommodation areas.
- c) The failure to install adequate means of escape from fire, from the mezzanine floor accommodation area, to a safe place away from the building.
- d) The failure to apply for and obtain a compliance schedule for the specified systems installed within the building.

B. To Remedy the Contravention or Non-Compliance as identified in section A you are advised to :

EITHER

1. Within 90 days from the date of the Notice to Fix apply for and obtain a Certificate of Acceptance pursuant to Section 96 of the Building Act 2004 for the Building Works, (the change of use to the mezzanine floor area into an accommodation area). Included in the application a report is to be provided from a Registered Fire Engineer for the accommodation area of the building, including the means of escape from fire.

OR

2. (a) Within 90 days from the date of the Notice to Fix apply for and obtain a Certificate of Acceptance pursuant to Section 96 of the Building Act 2004, for the change of use to the existing mezzanine floor area into an accommodation area. Included in the application a report is to be provided from a Registered Fire Engineer for the accommodation area of the building, including the means of escape from fire.

AND

- (b) Within 90 days from the date of the Notice to Fix apply for and obtain a Building Consent pursuant to Section 40 of the Building Act 2004 for any items of remedial and / or additional works required for the mezzanine floor accommodation area to comply with the New Zealand Building Regulations 1992, the "Building Code ", and to satisfy the report from the fire engineer.

OR

3. Should a Certificate of Acceptance not be issued, the Building Works will need to be removed and an application for a Building Consent for the removal of the Building Works is to be made within 14 days of refusal of the Certificate of Acceptance. Building works must then commence within 21 days of issue of the Building Consent.

OR

4. Within 60 days from the date of the Notice to Fix apply for and obtain a Building Consent pursuant to Section 40 of the Building Act 2004 for the **removal** of the Building Works. Building works must then commence within **21** days of issue of the Building Consent.(reinstate the accommodation area back into a lunchroom)

AND

5. In accordance with Section 100 (3), (a), (i) of the Building Act 2004, apply for and obtain a compliance schedule for the specified systems within the building.

As soon as practicable after the completion of any building work pursuant to a building consent, being not later than **7** days after the completion of the works, apply under section 92 of the Building Act 2004 for a Code Compliance Certificate.

It is recommended that advice be sought before commencing with any application.

This notice must be complied with in its entirety by: [REDACTED]

Further Particulars

You must contact the territorial authority for the district within which the building is situated on completion of the required building work.

All building work must cease immediately until the authority that issued this notice is satisfied that you are able and willing to resume operations in compliance with the Building Act 2004 and regulations under the Act.

If you do not comply with this notice you commit an offence under section 168 of the Building Act 2004 and may be liable to a fine of up to \$200,000 and a further fine of up to \$20,000 for each day or part of a day that you fail to comply with this notice.

Signed: _____

Name: [REDACTED]

Position: Team Leader Compliance and Inspections
Auckland Council, Southern Region.

Notice to Fix Date: [REDACTED]