

HOW UN-AUTHORISED OR NON-CONSENTED BUILDING WORK IS DEALT WITH

The purpose of this document is to provide information on how Council deals with un-consented building work. This document includes the minimum information required when applying for a Certificate of Acceptance.

CERTIFICATE OF ACCEPTANCE

What is a Certificate of Acceptance?

A Certificate of Acceptance (COA) is intended to establish in law that the unconsented building work is compliant with the current Building Code.

Territorial Authorities are under no obligation to issue a COA and may choose to prosecute the owner or person who undertook the work or issue an infringement notice for undertaking building work without first obtaining a building consent.

A COA provides a limited assurance in certain circumstances that the Council has inspected un-consented building works or building works undertaken urgently, and is satisfied on reasonable grounds to the best of its knowledge that the building work complies with the New Zealand Building Regulations 1992 (Building Code).

What Building Work can be covered by a Certificate of Acceptance?

A Certificate of Acceptance may be issued for building works already completed in the following circumstances:

- Where a building consent was required for building works, but not obtained (building work completed after 1 July 1992); or
- When a Building Consent Authority (BCA) that is not a Territorial Authority (TA) is unable to issue or refuses to issue a Code Compliance Certificate for work for which it granted a building consent; or
- When urgent work was carried out to protect lives or property and there was no time to get a building consent.
- A Certificate of Acceptance may not be issued if:
 - The Council cannot be satisfied that the building work complies with the Building Code; or
 - The building works were carried out before 1 July 1992; or
 - A building consent has been granted by a BCA that is a TA for the building work in question.

Issuing a certificate of acceptance

Council may issue a Certificate of Acceptance or include limitations/ exclusions on a certificate where it cannot be satisfied that all or some of the building work complies with the building code (for example the foundations or wall structure may not be covered where these cannot be inspected).

Note: A building consent cannot be issued retrospectively for building work that has already been completed and a Code Compliance Certificate cannot be issued for any building works subject to a Certificate of Acceptance.

The following information must accompany an application for a certificate of acceptance:

- Application form and fee (the fees payable if a building consent/ PIM was applied for and includes any levies for work over 20 thousand and a includes separate COA fee),
- A project information memorandum (PIM),
- Two copies of fully-detailed professionally drawn plans and specifications to the same standard as if applying for a building consent. Supporting documentation including any engineering, bracing and / or energy efficiency calculations as applicable; please refer to building consent lodgement checklist for an overview of the type of information required,
- Certificates or statements from personnel, who carried out the work,
- Energy works certificates (gas or electrical), and
- Certificate of Acceptance vetting checklist (available from Council web site)
- A list of any specified systems that have been installed or altered
- Independent Report as described below;

The following information must accompany an application for a certificate of acceptance continued

Professional report demonstrating compliance with all the Building Code clauses applicable to the application must be supplied by a suitably competent person.

A list of approved authors is available on Councils web site

The report must set out each building code clause relevant to the building work completed and if the report writer states that compliance has been met this must be supported by evidence that demonstrates proof of compliance (types of evidence include, photos, measurements, observation, copies of invoices, specific design calculations etc).

INSPECTION BY COUNCIL

A Council building officer will inspect the building work covered by the COA application to assess whether Council agrees with the finding of the independent report. The author of the report should be present at this inspection.

Where there has been invasive testing these areas may be left exposed so that Council is able to observe the level of compliance being claimed.

REFUSING TO ISSUE A CERTIFICATE OF ACCEPTANCE

Council may issue a Notice to Fix (legal notice) requiring the current owner to remove or remedy illegal building work if deemed necessary.

Council may also refuse to issue a COA and if the building work is not considered dangerous or insanitary simply create an information on the property file acknowledging that the work has been completed and that a COA has been refused (this may have implications for insurance cover and lending institutions).

HOW CAN I FIND OUT IF WORK ON MY PROPERTY HAD A BUILDING CONSENT?

You can find out whether building consents were granted for buildings on your property by contacting Council through the Customer Service Centre and requesting a Land Information Memorandum (LIM) for your property.

It is important to note that Council can only supply information that is recorded on the property file.

It is advisable that you order a copy of the property file CD and engage a suitably qualified person to view the CD and inspect the property. That person could then compare information obtained from the CD from the physical property.

