



Building Services

Unauthorised Building Work



Purpose

This guide provides information to building owners about the process when unauthorised building work has been carried out.

Unauthorised building work is work carried out with no evidence of a building permit (if constructed prior to 1 July 1992) or with no evidence of a building consent (if constructed on and from 1 July 1992).

How can I find out if work on my property had a building permit or building consent?

Contact us on: (06) 356 8199 (Palmerston North City Council) or (06) 323 0000 (Manawatu District Council) for further information on building permits and/or building consents granted for work carried out on your property.

Building work carried out prior to 1 July 1992

Under the Building Act 2004, building work that was completed before the Building Act came into effect (before 1 July 1992) is not required to be inspected and signed off by Council.

If you own a structure built before 1 July 1992, and you have concerns about its compliance, we recommend obtaining a builder's report from a third party. You may lodge this report against your property file by completing the Third Party Property Information Lodgement form and paying the appropriate fee.

A building consent is needed for any additional or future building work.

Unauthorised building work carried out from 1 July 1992 onwards

For building work carried out without a building consent from 1 July 1992, a Certificate of Acceptance (COA) may be applied for.

You can apply for a COA:

- If the work was done by the owner or a previous owner; and a building consent was required for the work but was not obtained; or
- If the building work was carried out under urgency for the purpose of saving or protecting life or health or preventing serious damage to property and where there was no time to obtain a Building Consent e.g. waste water drains (prior agreement must still be obtained from Council first); or
- Where a private Building Consent Authority (non-Council) is unable or refuses to issue a Code Compliance Certificate (CCC), even though they have issued a Building Consent for this work

A COA cannot be issued in the following circumstances:

- For any work completed without a Building Consent prior to 1 July 1992. There is no process

available through Councils for acceptance or qualification of this work. Where such building work is the subject of a condition for a building report in a sale and purchase agreement, then you will need to obtain the inspection services of a qualified person from the private sector.

- Where a Building Consent has been obtained (except where a BCA or certifier is unable or refuses to issue a CCC), i.e. the owner needs to complete the Building Consent process and apply for a CCC.

Offences

It is illegal to carry out building work without a Building Consent or where the work does not comply with the Building Consent that has been issued.

The owner of any building work carried out under urgency commits an offence if they do not apply for a Certificate of Acceptance.

How to apply for a COA?

A Certificate of Acceptance must be applied for on the appropriate form (Form 8). The form is available on the Council website and at the Customer Service Centre.

The application must also be accompanied by:

- Plans and specifications.
- Any other information that is required by regulations or by the Council.
- The relevant COA fee
- Any fees, charges, or levies
- A project information memorandum for the building work, if one has been issued.
- If a compliance schedule (public / commercial building only) is required as a result of the building work, attach full details of all specified systems for the building.
- If an amendment to an existing compliance schedule is required as a result of the building work, attach full details of all specified systems that are being - altered to, added to or removed from the building in the course of the building work.

Assessing the application

The Council has 20 working days, from the time of lodgement, to process the application and make a decision on whether to issue; or to refuse the application. This involves both document processing and on-site inspections.

However, a Council may, within the 20 days, require further reasonable information in respect of the application. If further information is requested the 20 day processing clock is stopped. Once all required information is received, the clock continues.

The decision to grant and issue the COA or to refuse the application

A Council (Building Consent Authority) may issue a Certificate of Acceptance only if it is satisfied, to the best of its knowledge and belief and on reasonable grounds, that, insofar as it could ascertain, the building work complies with the building code (Building Act s96 c2). If a Council refuses to grant an application for a COA, the Council must give the applicant written notice of (a) the refusal; and (b) the reasons for the refusal. A COA may be qualified to the effect that only parts of the building work were able to be inspected (Building Act s99 c2).

How do I report unconsented building work?

Contact us on (06) 356 8199 (Palmerston North City Council) or (06) 323 0000 (Manawatu District Council) if you suspect that work is being carried out or has been carried out, which should have had a building permit or building consent.

Fees

The Building Act 2004 allows Building Consent Authorities to charge both a COA fee as well as the full fees and charges and levies that would have been payable if the owner had applied for a Building Consent prior to building. Please refer to the website or contact the Customer Service Centre for details of fees.

Note: Unauthorised building work may affect your insurance cover. Please check with your insurance company.



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