



WAIROA DISTRICT COUNCIL

REGULATORY DEPARTMENT

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APPLICATION FOR CERTIFICATE OF ACCEPTANCE Section 97, Building Act 2004

Ca: (office use only) _____

Section One - The Building

Street address/rapid number of building: (for structures that do not have a street address, state the nearest street intersection and the distance and direction from that intersection)

Legal description of land where building is located: (state legal description as at the date of application and, if subdivision is proposed include details of relevant lot numbers and subdivision consent)

Lot: _____ DP: _____ Sec. No: _____

BLK No: _____ Val No: _____

MI No. _____ BLK name & no _____

Number of levels: (include ground level and any levels below ground) _____

Year first constructed: (approximate date is acceptable) _____

Current, lawfully established, use: (include number of occupants per level and per use if more than one level) _____

Location of building within site: (include nearest street access) _____

Building name/trading name: _____

Existing floor area: _____ New floor area: _____ Total Floor Area: _____

Section Two - Owner

Name of owner: (include title, e.g. Mr, Miss, Dr if an individual, and the contact person's name if a company, trust or similar)

Mailing address: _____

Street address/registered office: _____

Daytime phone number: _____ Mobile: _____

Facsimile number: _____ Email address: _____

Evidence of ownership: (please attach one of the following, as appropriate to the circumstances, showing full name of legal owner(s) of the building/land)

- | | |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Copy of certificate of title, no more than one month old | <input type="checkbox"/> Other document showing full name of legal owner(s) of the building, OR |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Council to obtain certificate of title (cost as per Council fee schedule) |
| <input type="checkbox"/> Agreement for sale and purchase | |

Who is the first point of contact for further correspondence? Agent Owner

Section Three - Agent (only required if application is being made on behalf of the owner)

Name of agent: (include title, e.g. Mr, Miss, Dr if an individual, and the contact person's name if a company, trust or similar)

Contact person: _____

Mailing address: _____

Street address/registered office: _____

Daytime phone number: _____ Mobile: _____

Facsimile number: _____ Email address: _____

Relationship with owner: *(state details of authorisation from owner to make the application of the owner's behalf)*

Section Four - Application

I request that you issue a certificate of acceptance for the building work described in this application.

Signature of owner/agent on behalf and with the authority of the owner

Date

Section Five - Building Work

Description of building work: _____

Date building work carried out: _____

Personnel who carried out building work:

Trade	Name	Address	Contact number	Registration number

Did the building work result in a change of use of the building? Yes No

If yes, provide details of the new use: _____

Intended life of the building: *(if less than 50 years)* _____

List building consents previously issued for this project: *(if any)* _____

Estimated value of the building work on which building levy will be calculated: \$ _____ *(GST inclusive)*

Section six - Reasons why a certificate of acceptance is required

- The owner, or the owner's predecessor in title, carried out building work for which a building consent was required, but a building consent was not obtained because: *(explain in detail)*

- A building consent could not practicably be obtained in advance because the building work had to be carried out urgently: *(delete one of the following)*

A. for the purpose of saving or protecting life or health or preventing serious damage to property as follows: *(explain in detail)*

B. in order to ensure that a specified system was maintained in a safe condition or made safe as follows: *(explain in detail)*

- The building consent authority that granted the building consent is unable or refuses to issue a code compliance certificate in relation to the building work, and no other building consent authority will agree to issue a code compliance certificate for the building work: *(state details of name of building consent authority and building consent granted)*

Section seven - Compliance Schedule

- The specified systems for the building are as follows:
- The following specified systems were altered, added to, or removed in the course of the building work:
- There are no specified systems in the building:

Section eight - Attachments

Office use

The following are attached to this application:

- A Covering Statement
- Project information memorandum
- Plans and specifications
- Certificates from personnel who carried out the building work. Energy work certificate
- Fee deposit

For Council Office Use Only

Order/Officer	Officers name	Date received
<input type="checkbox"/> Received by		
<input type="checkbox"/> Lodged by		
<input type="checkbox"/> Processed by		

Method received: Email Mail Counter

Notice to owners

If you are advised that the buildings on your property do not have, or appear to not have a building consent or permit you may wish to rectify this situation. For buildings constructed without a building consent or those that were not completed under older legislation prior to 1 July 1992, there are options:

Building before 1st July 1992

For building work before 1st July 1992 you can provide a report (often called safe and sanitary report) which council will place on the property record for the benefit of current and future owners.

These reports must meet minimum requirements and must be prepared by building professionals, who are members of an approved organisation. Council place these reports on file but takes no responsibilities for such reports.

Building on or After 1st July 1992

For this category of building work you have two options:

- (A) make an application for a certificate of acceptance
- (B) request for a report to be placed on council files for the benefit of future owners

There may be occasions when both the above applications are required. This is because Council had the option in respect of a Certificate of Acceptance to certify what it has, or is able to inspect. This may well leave a substantial amount of work without certification. Thus an additional report from, for example, an Engineer or Building Surveyor could provide information for future owners of the property.

Both the request for a COA and reports to be placed on a Council's file, need to comply with the information requirements, of a building consent application.

What is a Certificate of Acceptance (COA)

Certificates of acceptance (coas) were introduced as part of the building act 2004 to confirm that building work, or part of that work complies with the building code.

A coa may be issued by the council for work that required a building consent, but has been carried out without a consent having been obtained first. It allows for certification of work that has been carried out urgently because of safety issues and where there is no time to apply for and obtain consent because of that emergency.

How do I make an application for a COA?

The council has discretion under the building act on whether or not to issue a certificate. This may involve a pre-application interview. If the council is prepared to accept an application it will be necessary to provide detailed plans and specifications of the work as you would for a building consent application. A standard application form is available and an application fee will be charged as well as normal consent application fees.

All applications need to include a Covering Statement; detailed plans and specifications; design and/or supervision certificates (for trusses, engineering, electrical, plumbing, drainage, roofing and cladding installers); current certificate of title; a report from a suitably qualified consultant (building consultant or structural engineer) on the applicable construction and compliance with the building code; and a letter from the present owner explaining why a building consent was not obtained.

Insufficient or poor quality information may result in delays in processing your application.

A certificate of acceptance will only cover items that the council can readily inspect to ensure compliance with the New Zealand building code. Council may exclude items that cannot be inspected by council officers. It will be required for specific design components of a project to include the design engineer's ps1 certificate and the ps4 for the 'construction review' of those components.

Penalties for illegal building work

It is a criminal offence to carry out building work for which consent is required without first obtaining a building consent prior to commencing construction. The magnitude of the breach and the deliberate nature of the offence will be assessed before considering a prosecution.

Council now has the ability to impose instant fines for illegal building work. This is a new provision under the building act 2004. The greatest penalty for a homeowner is the fact the records show that there is an illegal building which has not been inspected by council. This has potential implication for the value of their property and any insurance cover.

While such buildings may have a coa, such reports or certificates provide in general, only limited assurance of the standard and quality of the building work. Home owners are advised to obtain independent legal advice and advice from their insurance company.

Applicants need to be aware that if a 'Notice to Fix' has required an application for a 'Certificate of Acceptance', then that does not negate the possibility of prosecution under Section 40 of the Building Act 2004.