



WAIROA DISTRICT COUNCIL

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🌐 www.wairoadc.govt.nz

📮 PO Box 54, Wairoa 4160, Hawke's Bay

🏠 Coronation Square, Queen Street, Wairoa

INFORMATION SHEET 19

CERTIFICATE OF ACCEPTANCE (COA)

WHEN YOU WOULD APPLY FOR A COA

A Certificate of Acceptance (COA) provides verification that certain building works have been carried out to the standards set out in the New Zealand Building Code. A Certificate of Acceptance (COA) is applied for when a Code of Compliance Certificate (CCC) has not or cannot be given.

Where work has been undertaken on a property without a Building Consent it may be difficult to sell the property or obtain insurance. A COA may resolve these concerns as it provides a level of surety about compliance with the NZ Building Code.

1. Previous building works was carried out and a ***Building Consent (BC) was required but NOT obtained***
2. Building Consent application was initiated but building work was ***not carried out by a Building Certifier***
3. ***Urgent building work is required*** and there is no time to obtain a Building Consent NB: You MUST gain Council Approval first.
4. Building Consent was obtained, works were completed but ***Code of Compliance Certificate (CCC) was not applied for*** in legal timeframe.

THE LEGAL STUFF – THE LAW STATES

[Section 40 of the Building Act 2004](#) states that buildings must not be constructed, altered, partly demolished or removed without a Building Consent, unless such work is exempt under the Act; a person commits an offence if they fail to comply with this section of the Act.

[Section 96](#) states that Council may, on application issue a Certificate of Acceptance (COA) for work already done, however this does not limit the requirements of [Section 40](#) and accordingly does not relieve a person from the requirement to obtain a Building Consent for the building work.

The purpose of this document is to provide guidance information on how building work that has been completed without a Building Consent may be redressed. One option of redressing such work is through the Certificate of Acceptance process.



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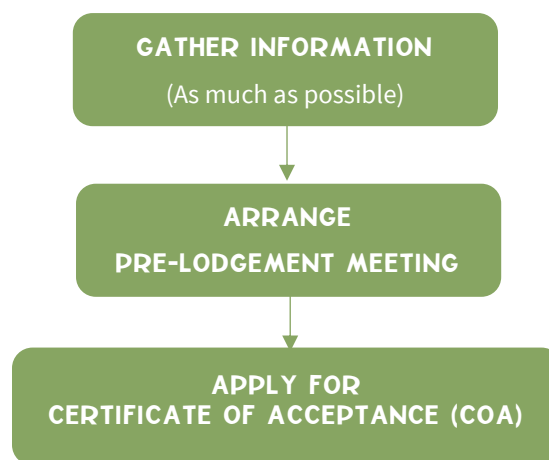
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If you wish to read a little more, please see the New Zealand Building Act 2004;
Building Consents - [Section 40, 41 and 42](#)
Certificates of Acceptance – [Sections 96 – 107](#)

WHAT DO I DO NEXT?

When you discover that Building works were undertaken and no Building Consent was obtain (does not matter who did the work), the first step would be to seek Professional Advice from a suitably qualified person. i.e licenced builder or architect



IMPORTANT: Your **COA Application will need a Covering Statement** that outlines, in detailed, a description of the previous building work has occurred. **If multiple buildings are involved**, please list each building and works associated with each building. And reference all supporting information supplied to the relevant building.

Information to gather:

- Covering Statement (as described above)
- Professional Drawings – plans of site, location, building, specific works
- Professionals involved list (e.g. builder, plumbers, electricians, etc)
- Professional written statements outlining the work done (by tradespersons, if possible)
- State a date - when was the building work started/completed
- Receipts for purchased materials from the time (e.g. timber, concrete delivery dockets or invoices etc)
- Engineer's report - structural aspects of construction
- Producer Statements for the design and completed construction (issued by a chartered professional, engineer etc)
- Photographs during the construction (if available)
- Photographs of the completed work
- Proof of Ownership – provide one of the following;
 - A Certificate of Title (a current one - no older than 3 months)
 - A Lease Agreement
 - A Sale and Purchase Agreement
- Written explanation why a Building Consent was not applied for;
 - The work was carried out by the owner, or the previous owner and they did not obtain Building Consent



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- The work was carried out under urgency for the purposes of saving or protecting life or health and or to prevent serious damage to the property.

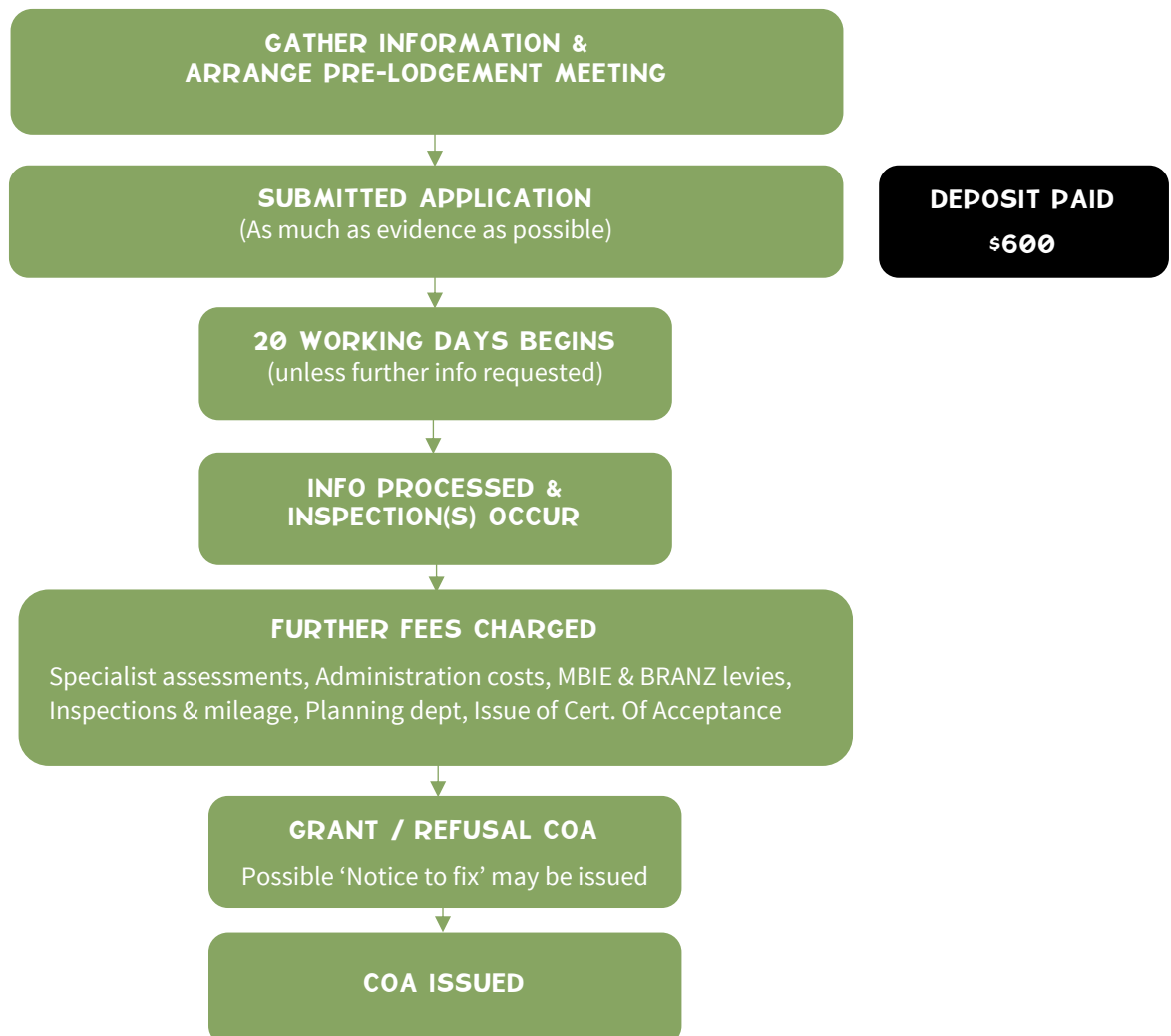
WHAT SHOULD BE SUBMITTED WITH A COA APPLICATION?

When you discover that Building works were undertaken without the correct okay from the authorities and no Building Consent was obtain (does not matter who did the work), the first step would be to seek Professional Advice from a suitably qualified person.

Then it would be advisable to have some plans drawn up. And refer to the list above.

The Plans must be drawn as if an application for a Building Consent was being applied for today and include sufficient detail for a building officer to assess compliance. The Territorial Authorities will treat this application extremely similar to a Building Consent application.

When you are ready to apply for your COA, we encourage to bring all your documents, and book a pre-application meeting with our Building and Planning teams. This way we can guide you through the process.





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NOTICE TO FIX NOTICE

Notice to Fix

This would be a formal notice issued by the Council advising that certain works are not up to the NZ Building Code Standard.

This notice means that you MUST address the issues identified within a specified timeframe to prevent any further action.

You are welcome to discuss any issues identified that you do not understand, as we are available to assist wherever responsibly possible.

If the problem areas are not fixed, further action may be taken but this is only considered as the very last resort.

ISSUE OF 'NOTICE TO FIX' (NTF)

If work not up to the NZ building code standard

NTF FEE

\$95

Infringement Notice

Infringement Notice may be issued if the issues to fix are;

- Significant
- Threatens the lives of people or adjoining property
- Person(s) who receives the notice is obstructive
- Person(s) are unwilling to work with Council

Council will only use this option of issuing an infringement notices to building owner whom do not meet building, plumbing, drainage and fire safety requirements, as a means of increasing compliance with the Building Act 2004.

These are provisions that will be activated through the Building (Infringement Offences, Fees and Forms) Regulations 2007 which came into effect 1 July 2008. The Regulations are made under [section 402](#) of the Building Act 2004. The offences cover 'initial' offences e.g. building without a Building Consent, and subsequent offences like; failing to comply with a Notice to Fix notice.

DEPOSIT AND ADDITIONAL FEES

All COA applications must be accompanied by a \$600 deposit. This allows the vetting of information process to begin.

Council has 20 working days to grant or refuse a Certificate of Acceptance. Note however, that this timeframe may be halted, if Council requests additional information to be supplied.

Further charges will need to be assessed and may cover:

- Planning departments checks
- Specialist assessment (Engineering etc)
- Inspections (includes Mileage and Time)
- Administration time
- Scanning and Records
- MBIE and BRANZ Building Levies (N/A in an application processed by a Building Certifier, as these will already have been paid)
- Issue of the Certificate of Acceptance



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INSPECTIONS OF BUILDING WORKS

Inspections

The Building Compliance Officers from Council will need to inspect the building to confirm the existing work matches the plans submitted. During this check the building officer may ask for further information to ensure the works meet the NZ Building Code.

Access to building works

It is important the Council's Building Compliance Officer has access and visibility to all areas of the build in question. As they would have, if you had gone through the normal Building Consenting process in the first place. This is to ensure that all aspects of the building work meet the NZ Building Code.

Further Information

Please be aware that further work may be required if work does not meet the NZ Building Code standard, and in some instances a brand new Building Consent may need to be applied for to make the work compliant.

Non-compliance

If compliance cannot be achieved, a Notice to Fix (NTF) may be issued.

ISSUING / REFUSING OF A COA

Issuing of COA

Council may issue a Certificate of Acceptance (COA) when it is satisfied, to the best of its knowledge and belief, and on reasonable grounds that the building work complies with the NZ Building code.

If only part of the buildings works' can be inspected, then a COA may apply to that specific part of the Building Works, and not to the works as a whole.

Council's liability in regards to issuing of a Certificate of Acceptance (COA), is limited to the parts of inspected building work that are visible/sighted and approved, at the time of the inspection by a Building Compliance Officer.

Once you receive a COA you should place it in a safe place for future reference and/or use.

Refusing a COA

If Council refuse to issue a COA, the applicant will be notified in writing with the reasons for its decision. If compliance cannot be achieved, a Notice to Fix (NTF) may be issued.

Not eligible for a COA

Building Works that have passed their durability periods ([B2 of the Building Code](#) OR <https://www.building.govt.nz/building-code-compliance/b-stability/b2-durability/>) may not be eligible for a COA.

For example; a fireplace only has a durability period of 5 years, and if it is over 5 years since the fireplace was installed, a COA cannot be applied for, because it will not be issued.



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BOOK A COA PRE-APPLICATION MEETING

In our experience, Clients that have had a meeting with our Building team before submitting their application, have had their Certificate of Acceptance applications processed run smoother.

The ideal time to request a meeting with the Building team would be once you have your documentation all ready for submission. This meeting will provide you with guidance about what to expect from your unique Certificate of Acceptance COA application.

To arrange your Free Pre-application Meeting, please email or call our friendly building team on 06 838 7309 or consents@wairoadc.govt.nz

COA DOCUMENT CHECKLIST

If multiple buildings are involved, please list each building and works associated with each building. And reference all supporting information supplied to the relevant building.

TICK	Document Required	Specific
	Proof of Ownership	Certificate of Title (less than 3 months old)
	Covering Statement	Detailed written statement of what building works has occurred. Explanation of why a Building Consent was not applied for.
	Dates	When was the building works likely to have begun & finished.
	Professional Drawings 1	Site Plan (with distance to boundary)
	Professional Drawings 2	Location and Building drawings
	Professional Drawings 3	Specifics of Building works
	List of Professionals	Who carried out the work, LBP numbers and contact details, Builder, plumber, electrician etc
	Engineer's report	Structural aspects of construction
	Producer Statements for the design and completed construction	This would be issued by a chartered professional, engineer etc.
	Photographs 1	During the construction phase
	Photographs 2	After work has been completed
	Record of Costs	Receipts of purchased materials (e.g. timber, concrete delivery dockets or invoices etc)
	Any other document you deem relevant	

If one, or more of these documents are missing it may result in a refusal of your COA and a Building Consent will be required.