

## Background

On 1 January 1993 the Building Act 1991 came into existence. Prior to this time we had building *permits*, and in 1993 the Government changed the terminology to building *consents*. On 31 March 2005 the new Building Act 2004 was implemented to include new requirements.

## Certificate of Acceptance (CoA)

A Certificate of Acceptance may be issued for unconsented works completed since 1993. (If your project was completed before 1993 please refer to 'Safe and Sanitary' reports).

A Certificate of Acceptance is a new tool in the Building Act 2004. It can be used in a number of ways.

An owner may apply for a Certificate of Acceptance when any of the following situations occur.

- **Where an owner (or predecessor in title) carried out building work for which a building consent was required but was not obtained (under either the 1991 or 2004 Acts).**
- Where a building consent authority that is not a territorial authority is unable or refuses to issue a code compliance certificate in respect of building work for which it granted a building consent.
- Where a building certifier is unable or refuses to issue a code compliance certificate or building certificate.

An Owner must apply for a Certificate of Acceptance for building work carried out urgently (see section 42 of the Building Act 2004).

The application for a Certificate of Acceptance must be on Form 8 and is required to be accompanied by:

- Plans, specifications and details for all work, prepared by a suitably competent professional.
- other information we may require (including copies of energy certificates)
- our standard application and assessment charges
- any fees, charges or levies that would have been payable had the owner (or the owner's predecessor in title) applied for a building consent before carrying out the building work, where the application relates to work done without a consent where one was required.
- a Project Information Memorandum, if one has been issued.
- A list of all the specified systems for the building and those that are being altered, added to or removed from the building in the course of the building work, if a compliance schedule or an amended Compliance Schedule is required as a result of the building work (this applies mainly to commercial works).

Council have 20 working days from the date the Certificate of Acceptance application is received to decide whether to grant or refuse the application (and the 'clock stops' if further information is requested).

If the Certificate of Acceptance is issued it must clearly detail the work covered by the Certificate, work inspected, and what is NOT covered (Council liability is then limited to the extent of the work covered). After the Certificate has been issued, it is then recorded to the property on the Land Information Memorandum (LIM) document.

Council can also issue a Notice to Fix and/or request a Building Consent be applied for, for work associated with the Certificate of Acceptance application.

## Safe and Sanitary Report

A Safe and Sanitary report is a document that is sometimes requested by proposed purchase of dwellings to record non permitted/unpermitted work that was completed before 1993.

It has **NO** legal status under the Building Act, but provides a recording process for the proposed purchaser of a property and is referenced on a LIM (Land Information Memorandum). Council has listed a number of professional people (with the appropriate Insurance cover), to assist you.

Generally building work is assessed by an approved Engineer or Building Surveyor and plumbing/drainage works by an

# Certificate of Acceptance or Safe and Sanitary Report

approved Plumbing & Drainage Consultant.

Their report, accompanied by appropriate documentation (full plans, specifications and details), either confirms or otherwise if the non permitted or unpermitted works are 'safe and sanitary'. This document is physically filed in the appropriate plan packet and filed electronically. Bring all of the documentation supplied by the specialists to Council and apply for 'Safe and Sanitary'. Please fill in a Building Consent application form and tick the PIM (Project Information Memorandum) box.

The costs associated with the 'safe and sanitary' specialists is paid by you direct to them, with a separate lodgement deposit fee to be paid to the Council.

After we have reviewed and assessed all of the documentation, we will issue the PIM and there will be a balance of fee to pay on issue.

Safe and Sanitary reports may be obtained from:

DML House Inspection Service – Building Surveyor  
Bycroft Petherick – Engineers  
Ian Pearson – Engineer  
MWH NZ Ltd – Engineers  
Tony Neilson – Plumbing and Drainage Consultant  
Colin Pepperell – Building Services  
Jolyon Claridge – Building Services (Palmerston North)

## Notes:

This document covers only the issues related to the Building Act. You may require other consents or licences for certain activities (i.e. resource consent). You are advised to inform Council of the use or proposed use and to then ask if any further consents are required.



For more information contact:

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