

Purpose

This is a guide for building work that may have been completed without Council authorisation and is identified as being carried out before the Building Act 1991.

Unauthorised building work carried out after July 1992 is outside the scope of this guide and must be dealt with in terms of a Certificate of Acceptance (COA).

Background

The Waimate District Council often receives enquiries from property buyers and sellers regarding building work that may have been carried out without Council authorisation. Some of these enquiries are the result of property reports such as Land Information Memorandums (LIM) or independent building reports obtained from outside of Council.

Council's records are not always complete; it is not absolute proof that the work has been done without the appropriate authorisation simply because the detail of any building permit(s) are not contained in any report.

An explanation for this may be:

- Records lost; taken or borrowed from property files.
- No permit(s) required for Government financed buildings prior to the 1991 Building Act.

Discussion

Under Section 44 of the Building Act 2004, a territorial authority cannot lawfully issue a retrospective building consent, all that a current owner can do is register the building work in question.

A suitably qualified consultant, approved building inspection firm or engineer can complete a site inspection and make a written report. The owner may then request that Council place this information on the property file.

Buyers are realising the risk of inheriting a liability, if a vendor or previous owner(s) have carried out any unauthorised building work on the property, it is the current property owner's responsibility to address any potential concerns relating to this work.

Summary

Reassurance may be gained by all parties if the vendor and/or buyer;

1. Commission a report by a suitably qualified consultant, approved building inspection firm or engineer to confirm that the building and/or plumbing/drainage work is sound, and where applicable complies with the New Zealand Building Code.
2. Provides suitable plans clearly indicating the unauthorised building/drainage work.
3. Requests the territorial authority place the information that has been provided on the property file so it will then be available for any future property enquiries and pay any fee(s) required by the territorial authority.

Any remedial work identified by the suitably qualified consultant, approved building inspection form or engineer would require a building consent.