HOW UN-AUTHORISED OR NON-CERTIFIED BUILDING WORK IS ASSESSED

The purpose of this document is to provide information on how Council deals with certain historical unauthorised building work or where the property file contains incomplete records relating to building work.

This fact sheet includes recommendations to owners of buildings where Council has no record of building work completed on a property either under Building Bylaw “permit” system (prior to 1 July 1992) or the current Building Act “consent” regime (post 1 July 1992).

SAFE AND SANITARY REPORTS

When is a Safe and Sanitary Report appropriate?

A safe and sanitary report is typically supplied to Council by a suitably qualified person on behalf of a building owner where the property file is incomplete because:

- A building permit is cancelled or not signed off; or
- A building consent is lapsed, cancelled or no code compliance certificate has been issued; or
- Unauthorised building work was completed on the property pre 30 June 1991 (work completed after this date without building consent requires a certificate of acceptance application).

A safe and sanitary report is simply an opinion from a suitably qualified person (someone with extensive building experience and report writing skills) as to building works current performance and status when assessed against the building regulations in existence when the building work was completed. Evidence of when the work was completed is required.

The acceptance of Safe and Sanitary Reports

If Council receives an independent report from the owner or their agent, this report will be reviewed to ensure it doesn’t include reference work that must be covered by a certificate of acceptance or reference any attributes that may suggest the building is either dangerous or insanitary before being accepted for placement on the property file.

Council does not accept any responsibility for validating this report nor does it accept liability for the contents or any misrepresentations made.

The report is merely placed on file as a matter of public records and the acceptance of such a report will be noted on any future Land Information Memorandum (LIM)’s requested. Independent advice should be sought as to the contents of any such report in relation to the buildings current situation as not all potential issues may have been identified and addressed in the report provided.

Note: that should Council be made aware that the building may be a dangerous or insanitary building it may take the appropriate action under the Building Act 2004.

Content of a Safe and Sanitary Report

A safe and report must include the following information:

- A request on behalf of the current owner for the report to be placed on Council’s property file for the address
- Why the report is being submitted and what it covers (scope of works)
- Background including current status of any outstanding permits/consents that are being addressed by the safe and sanitary report
- Findings of the site assessment
- Supporting documents from specialists such as electricians, plumbers, engineers etc. where applicable
- Supporting photographs where applicable
- Updated plans where applicable (scaled)
- Any recommendations (e.g. that some remedial work requires a building consent or that work completed after 1 July 1992 requires a certificate of acceptance)
- The report must end with a conclusion as to the building works current performance (e.g. that the building is safe, not insanitary and fit for purpose)
- A fee is payable for a report placed on a property file.

Important

Where a safe and sanitary report identifies that there are outstanding issues that are not covered by the report such as the need to apply for either a building permit for remedial work or certificate of acceptance for unconsented work these additional applications must be lodged with the safe and sanitary report for it to be accepted.

A safe and sanitary report will also not be accepted if there are potential issues that may mean the building is dangerous or insanitary.