

WORK ON BUILDINGS - CONSENTS

Following the September 2010 earthquake, the government passed the Canterbury Earthquake Response and Recovery Act 2010. This Act allows Orders in Council to be made to depart from or change current legislation (and bylaws and regional or district plans). This includes legislation about building, consents, local government, health and roading. Orders in Council have been made, both following the September 2010 and the February 2011 earthquake.

Building Act

Before you do any work on buildings following the earthquake, you need to ensure that you have the necessary consents or that the work is exempt from such requirement.

At this stage, a resource consent and/or building consent is still required for most demolition, rebuilding or repairs to buildings that would usually require these consents and which is not otherwise exempt.

Exemptions to works that require building consent are listed in Schedule 1 of the Building Act 2004. Building consent is not required for some minor works or repair work using comparable building materials to put things back in the same place. Extensions to the works that did not require building consent were made after the September 2010 earthquake, as well as the exemption from obtaining a building consent for the demolition of a stand alone building under three storeys.. Under a state of emergency, work can be undertaken for safety reasons also.

Please feel free to contact us to check which of these works would not require consent. Also in September 2010, the Department of Building and Housing issued a guideline for building work that does not require a building consent. You can access this guideline by visiting www.dbh.govt.nz.

Resource Management

An order was made on 16 September 2010 providing, amongst other things, extensions of various time periods and relaxation of certain duties relating to district plans. Further orders have been made as a result of the February 2011 earthquake, while some of the 2010 Orders in Council have been extended.

Since the February 2011 earthquake, Orders have also been made to allow temporary accommodation, storage and depots, as well as provide a fast track system for land remediation works (which includes infrastructure repair and replacement).

A more detailed summary of these Orders in Council are set out in our publication "Dealing with Resource Management Matters After the Earthquake" on our website (www.wynnwilliams.co.nz) under Earthquake.

Even if a building consent is not required, a resource consent still might be - and vice versa. Before you do any work, you must check whether a building and / or resource consent is required.

URGENT WORKS

Urgent demolition or repairs can only be done without a resource consent or building consent in order to save or protect life or health, prevent serious damage to property or to avoid adverse effects on the environment. Specific criteria need to be met. Urgent works will usually only mean those required to make the building safe and would not, in most cases, allow the complete demolition and rebuild/repairs.

HERITAGE BUILDINGS

As with other buildings, only urgent work can be carried out without a resource consent or building consent and it must be done in order to save or protect life or health, prevent serious damage to property or to avoid adverse effects on the environment.

NON-URGENT WORK

Normal building and resource consents will be required for all non-urgent work. Applications arising from earthquake damage should be made, as applicable, to the Christchurch City, Waimakariri District or Selwyn District Councils.

Before undertaking building works, you may also wish to consider the information on liquefaction available at www.ecan.govt.nz/publications/General/solid-facts-christchurch-liquefaction.pdf.

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