

# **RODNEY DISTRICT COUNCIL**

## **RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998**

### **CHAPTER 13**

#### **BUILDING DEPOSITS FOR DAMAGE COUNCIL PROPERTY**

##### **EXPLANATION**

Building work can damage Council property such as roads, waterworks, sewers, stormwater systems, fences, buildings and footpaths. This Bylaw requires person carrying out building work in the District to pay deposits to ensure the repair and reinstatement of Council Property damaged during building.

It also prohibits illegal connections to, or interference with, Council infrastructure.

## **1.0 INTRODUCTION**

1.1 This Bylaw is authorised by Section 145-6 of the Local Government Act 2002.

This Chapter of the Bylaw should be read in conjunction with Chapter 1 of the Rodney District Council General Bylaw 1998.

## **2.0 PURPOSE**

2.1 The purpose of this Bylaw is to enable the Council to recover the cost of any un repaired damage to Council property arising as a consequence of building work authorised by a Building Consent .

It also prohibits any illegal connection to, or interference with Council infrastructure.

## **3.0 INTERPRETATION**

BUILDING DEPOSIT	Means a deposit to protect against damage to public property during building work being of an amount set in accordance with Clause 3 of Chapter 1 of this Bylaw. It includes a deposit required under Clause 7.3 of Chapter 9 – Road and Traffic Control and Numbering of Premises.
BUILDING WORK	Has the same meaning as under section 2 of the Building Act 2001.
CODE COMPLIANCE CERTIFICATE	Means a code compliance certificate issued pursuant to the Building Act 1991 or 2004.

## **4.0 PAYMENT OF BUILDING DEPOSIT**

4.1 No building work which requires or is the subject of a building consent under the Building Act 2004 shall be carried out without first depositing with the Council a building deposit. The building deposit shall be payable on or before the uplifting of any building consent for the building work.

4.2 No person shall make any connection to or otherwise interfere with, or work in close proximity to, any part of any Council waterworks, sewerage or stormwater system, or carry out any work in the road reserve including any vehicle crossing, pavement or kerb and channelling, without receiving the prior permission of the Council or an authorised officer as required by Chapter 9 - Road and Traffic Control and Numbering of Premises or without obtaining any other consent or permit required by the General Bylaw 1998.

## **5.0 REFUND OF ALL OR PART OF THE BUILDING DEPOSIT**

5.1 Subject to Clause 5.2 below, the person who paid the building deposit, regardless of whether that person is still the owner, shall be entitled to a refund of the deposit on the earlier of the following events:

- (a) the date that the building consent issued for the building work lapses, is refused, withdrawn or cancelled.
- (b) the date that a code of compliance certificate for the building work is issued;  
or
- (c) upon instructions to cancel the building consent.

5.2 In the event that on the date of refund under Clause 5.1, the Council considers on inspection that damage to any property, whether real or personal, belonging to the Council or controlled by the Council has occurred by or as a result of the building work which is the subject of the building deposit, and that damage has not been reinstated, or the work does not meet the required minimum standard, the Council may retain such portion of the building deposit as is required to enable re-instatement to occur, and may expend such portion accordingly.

5.3 Any surplus amount between the amount retained and any amount expended will be refunded to the nominated person or the person who paid the building deposit forthwith after completion of reinstatement by the Council.

5.4 In the event that the costs of any repairs to Council's infrastructure assets, as a result of damage or workmanship below recognised standards, exceeds the deposit paid, such shortfall shall be recovered from the owner of the property on whose behalf the works were undertaken.

## **6.0 AMOUNT OF BUILDING DEPOSIT**

6.1 The amount of the deposit shall be:

- (a) \$1,000 for any building work with an estimated value of greater than \$40,000 or for the removal or re-siting of a building; and
- (b) Nil for any other building work;

provided that such amount may be reviewed and amended pursuant to a resolution of the Council publicly notified under Section 150 of the Local Government Act 2002

6.2 The Council may, at its sole discretion, enter into an agreement with a building industry organisation or recognised builder in the District, for the payment of an agreed Bond to cover the expected deposits to be paid in any one year.

Any such bond must be paid in full prior to the issue of building consents for any work.

## **7.0 OTHER FEES AND CHARGES**

7.1 The obligation to pay a building deposit under this bylaw shall not detract from any obligation of the owner or any other person to pay other fees or charges in relation to the building work the subject of the building deposit.