

## **Policy**

**Changes to a Building**

**Consent Application**

**Prior to**

**Granting**

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## **Commencement and Review**

Date Approved: \_\_\_\_\_

Date Policy takes effect: \_\_\_\_\_

Date of the next Review: \_\_\_\_\_

Approved by: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Position: \_\_\_\_\_

## **1.0 Introduction**

While Council is processing a building consent application, it is not unusual for the applicant, designers or their agents to present changes to the building consent application before the consent is issued. While Council is willing to accept those changes, such changes cannot result in significant delays to the granting of a building consent or result in changes outside of the scope of the Project Information Memorandum.

## **2.0 Legislation, Related Forms and Documentation**

- Section 45 of the Building Act 2004 sets out how to apply for a building consent, together with a requirement that it must be accompanied by any other information that the building consent authority may reasonable require.
- Planning Check of BC only/Amendments (BC7.10)

## **3.0 Definition of acceptable changes**

Acceptable changes to a current application can be defined as fitting within the following parameters:-

- The scope of the building work is not increased significantly
- The value of the building work is not increased significantly
- The structure and the layout of the building is not altered significantly
- The building changes do not include the need for new product or systems approvals.

Clearly what is or is not significant is a matter of judgment. The changes to a consent before issue should not be so time consuming that they significantly extend the processing time and result in significant additional administrative costs. Such changes should be able to rely on the consent assessment previously undertaken by a processing officer.

## **4.0 Examples of what is, and what is not, acceptable**

Acceptable changes able to be managed during the consent process need to comply with the following requirements:

- Any changes to a building project that do not change the scope of the building project i.e.

1. A shed cannot be changed to a dwelling

2. It is not acceptable to add a wastewater treatment system
  3. It is not acceptable to add a garage or swimming pool to a dwelling consent
  4. A battered bank or slope cannot be changed to a retaining wall
- Any changes that do not alter the footprint of the dwelling by more than 10m<sup>2</sup> or result in the addition of a small room.
  - Any changes that do not significantly change the structural performance of a building. For example, the following changes do not comply:
    1. Changes between sheds with different structural designs (manufacturers)
    2. Timber-framed building to steel-framed or panel wall system
    3. A building with the same footprint but with an entirely different internal layout in terms of bracing
  - Changes that typically comply include;
    1. A cladding change, if the new cladding system has been appraised and accepted as complying with the Building Code
    2. Non-structural internal reconfigurations
    3. Changes to an effluent treatment and disposal system
    4. Changes to windows or doors in external walls
    5. The addition of a fireplace within a building

**Note;**

- a) When making changes the applicant needs to clearly identify the changes to the original drawings submitted
- b) In the event that changes before issue of the building consent are submitted, the Council reserves the right to refuse the original consent and issue a replacement consent. This may also occur when a consent remains suspended for a considerable period of time

## **5.0 Matters of Doubt or Dispute**

The Operations Manager Building Consents makes the final decision in respect to matters of doubt or dispute. A party, in terms of section 176 of the Building Act 2004, may however apply to the DBH for a Determination in relation to the Council's exercise of its powers under the sections of the Act set out under "Statute Reference" above, in respect of one or more of the following matters in relation to acceptance and vetting of Building Consents:

- Council's decisions in respect of the above.

- Refusal by Council to accept a change to a Building Consent application.

Should there be some doubt or dispute that cannot be resolved by negotiation between the parties, either of the parties involved, provided they are a party in terms of section 176 of the Building Act 2004, may apply to the DBH for a Determination in terms of section 177 of the Building Act 2004.

Application for a Determination must be made in writing and in the prescribed form<sup>1</sup> and manner, contain the prescribed information (if any) and be accompanied by the prescribed fee.

## **6.0 Decisions Made Under This Policy**

All decisions made in accordance with this policy are made on the individual merits of the specific situation and shall not be construed as setting any type of precedence for any future decisions.

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<sup>1</sup> Form 14 Application for a Determination