



BUILDING CONSENT AUTHORITY

**T-14 CHANGE OF USE, EXTENSION OF SPECIFIED INTENDED LIFE,
OR SUBDIVISION
(territorial authority function)**

Roles and Responsibilities

• **TEAM LEADER BUILDING**

To provide procedures to be followed for a change of use to an existing building, an extension to the existing specified intended life of a building, or subdivision that will affect a building.

• **SENIOR CONSENTS OFFICER**

To provide audit processes to ensure the procedures are followed to maintain a quality system.

To be satisfied on reasonable grounds that the requirements of a change of use, extension of life, or subdivision of buildings have been complied with.

• **BUILDING OFFICER**

To appraise the documentation for the requirements of a change of use, extension of life, or subdivision of buildings.

BACKGROUND

- Regulation 5 provides a meaning for change of use.
- Section 114 requires a building owner to give written notice to the building consent authority if it is proposed to change the use, subdivide, or extend the life of a building. Notification is to be in writing, and could be in the form of a letter, project information memorandum or building consent application, or a request for

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subdivision.

- Notification on Form 2 will be considered as written notification from the owner.
- Only a building consent authority can grant approval for a change of use, extension of life or subdivision.
- Section 116(1) advises that an owner must not change the use of the building unless the territorial authority has given written notice of approval to do so.
- Section 116(2) states that if the consent was issued under section 113(2) of the Building Act 2004, it had to be issued with a condition that it **must** be altered on or before the end of its specified intended life. If the consent was issued under section 39(1) of the Building Act 1991, it had to be issued with a condition that it **shall** be altered on or before the end of its specified intended life.
- Section 116(3) – advises that the building consent authority must not give its consent unless satisfied on reasonable grounds that the building has been altered in accordance with this condition and complies with section 112.

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- Section 116A advises that a subdivision that affects a building must not be given effect unless the building consent authority is satisfied on reasonable grounds that the building will comply as near as is reasonable practicable with every provision of the Building Code that relates to one or more of the following matters:

- means of escape from fire
- access and facilities for people with disabilities
- protection of other property

and it will continue to comply with the other provisions of the Building Code to at least the same extent as before the application for subdivision was made.

Procedure

1 IDENTIFY IF CHANGE OF USE, SUBDIVISION, EXTENSION OF LIFE

- 1.1 Assess the application documents to verify if the application pertains to:
 - change of use where:
 - household unit(s) have been added where a household unit did not exist before
 - the change of use does not relate to a household unit
 - extending the life of an existing building
 - subdividing land that affects a building.
- 1.2 A check shall be made to ascertain that the proposed use of the building is in accordance with those listed in Schedule 2, regulation 6.
- 1.3 A check shall be made to ascertain that the proposed use nominated on Form 2 is correct.
- 1.4 If the proposed use classifications are incorrect or at variance with those in the regulations, advise the customer and request that the documentation be amended.
- 1.5 Where the proposed use is correct, compare the proposed use with the existing use of the building to identify implications. Assess any existing building consents for the property and ascertain if the building has a specified intended life.
- 1.6 If the proposed change of use relates to any other household units being added where previously a household unit did not exist before, refer to section 2 below.
- 1.7 If the proposed change of use does not relate to household units, refer to section 3 below.

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- 1.8 If the application involves a proposal to extend the specified intended life of the building, refer to section 4 below.
- 1.9 If the application is for a subdivision which will affect the building, refer to section 5 below.

2 ADD HOUSEHOLD UNIT(S) WHERE A HOUSEHOLD UNIT DID NOT EXIST BEFORE

2.1 Where the proposed use of the building includes the incorporation of household units, the territorial authority needs to consider all relevant Building Code Clauses to ensure the building in its new use will comply as nearly as is reasonably practicable with the Building Code. This includes:

- foundations
- floor slabs
- framing, floor, wall, roof, etc
- insulation (subfloor, wall and ceiling)
- building wraps
- glazing
- ventilation
- natural light
- ground levels
- all claddings
- plumbing, drainage, water supply, etc.

2.2 Household units or residential buildings do not generally require access and facilities for people with disabilities. However, if the building is being used for other uses then this aspect must be considered. Refer to Schedule 2 of the Building Act 2004 to ascertain other uses.

Examples of residential buildings being used for other uses include daycare centres, doctor’s surgeries, pre-school centres, etc. In these scenarios, access and facilities for people with disabilities will be required (refer to T-16).

2.3 The application is be assessed to determine if there are any specified systems in the building. If so, a check should be undertaken to verify whether there is an existing compliance schedule. If there is an existing compliance schedule, go to section 8 below. (Also refer to T-27.3.)

2.4 If specified systems are listed in the application and it has been verified that there is no existing compliance schedule, go to section 8 below. (Also refer to T-27.)

2.5 If documentation fails to demonstrate compliance, the building officer shall contact the owner and advise them that the application is suspended until the appropriate information is provided.

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- 2.6 If satisfied that compliance with the provisions of the Building Code has been achieved, the territorial authority is required to notify the applicant in writing that the building in its new use will comply as nearly as is reasonably practicable with the Building Code in all respects.

3 CHANGE OF USE NOT INVOLVING HOUSEHOLD UNITS

- 3.1 Where the proposed changed use of the building is for any other use, consideration needs to be given to:
- means of escape from fire
 - protection of other property
 - sanitary facilities
 - structural performance
 - fire rating performance
 - access and facilities for people with disabilities
- and the building will need to continue to comply with the other provisions of the Building Code to at least the same extent as before the change of use.
- 3.2 If satisfied, the territorial authority must give the applicant written notification that the building in its new use will comply as nearly as is reasonably practicable with the Building Code in all respects as identified in 3.1 above.

4 EXTENDING THE LIFE OF AN EXISTING BUILDING

- 4.1 Only a territorial authority can grant a consent to extend the life of an existing building.
- 4.2 An owner may not extend the life of a building without first obtaining the approval of the territorial authority.
- 4.3 The territorial authority must be satisfied that the building complies with the requirements of section 112 of the Building Act 2004.
- 4.4 Where an alteration to the building is required to satisfy the territorial authority of the requirements in section 112 of the Building Act 2004, a building consent will be required for those alterations (refer to T-19).
- 4.5 A condition of granting the building consent must be included stating that the building shall be altered on or before the end of its specified intended life.
- 4.6 Where a building consent authority issues a building consent that is affected by a specified intended life, before a code compliance certificate is issued, the building consent authority will need to verify that is satisfied that the building has been altered in accordance with section 112 (refer to T-19 and T-33).

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5 SUBDIVIDING LAND THAT AFFECTS A BUILDING (T-20)

5.1 Where the subdivision of land affects a building, consideration of the following items is required.

- Means of escape from fire
- Access and facilities for people with disabilities
- Protection of other property; and

the building will also need to continue to comply with the other provisions of the Building Code to at least the same extent as before the change of use.

5.2 Consideration of means of escape from fire includes:

- continuous unobstructed route of travel from any part of the floor area of the building to a place of safety
- all active and passive protection features required to warn people of fire
- all active and passive protection features required to assist in protecting people from the effects of fire in the course of their escape from fire.

5.3 Consideration of access and facilities for people with disabilities includes upgrading of existing, or provision of reasonable and adequate sanitary facilities, and access and parking provisions for people with disabilities who may be expected to:

- visit or work in the building
- carry out normal activities and processes in the building.

5.4 Consideration of protection of other property includes fire rating of walls that are in close proximity to the boundary of other property, and the structural stability of the building in the event of fire.

5.5 Consideration of ‘continue to comply with the other provisions of the Building Code to at least the same extent as before the extension of intended life’ requires that compliance with all other Clauses of the Building Code are met to the same extent as before.

5.6 For example: ventilation, natural light, solid waste and the like do not require upgrading; however, the level of compliance cannot be less than what was previously provided.

5.7 Refer to T-20 for further information on subdivision.

6 REFERENCE EXISTING PROPERTY FILE

6.1 The existing property records need to be reviewed to identify the existing use of the building.

6.2 This review needs to include all previous building consents and building permits.

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- 6.3 The existing use classification needs to be compared with regulation 6.
- 6.4 If there is a change of use, the building consent authority must advise the applicant of the requirement to notify it in writing.
- 6.5 The territorial authority needs to appraise the request for a change of use to determine if the building in its new use will comply with the relevant provisions of the Building Code.
- 6.6 If satisfied of 6.5 above, the territorial authority must give written notification of their approval to the owner.
- 6.7 Where the application involves the change of use of a building to one or more household units where household units did not exist before, the territorial authority must be satisfied on reasonable grounds that the building in its new use will comply as nearly as is reasonably practicable with the Building Code in all respects.
- 6.8 Where there is a change of use for any other case (other than 6.8 above), the building in its new use must comply as nearly as is reasonably practicable with the provisions of the Building Code that relate to:
- means of escape from fire
 - protection of other property
 - sanitary facilities
 - structural performance
 - fire rating performance, and
 - access and facilities for persons with disabilities (if a requirement under section 118 of the Building Act 2004), and
- it must also continue to comply with the other provisions of the Building Code to at least the same extent as before the change of use.
- 6.9 An owner must not change the use of the building until the territorial authority is satisfied of compliance and has given the owner written approval. The building consent authority needs to ensure that it has approved the change of use before continuing the processing of the application.
- 6.10 The building consent authority should check the building consent records to ascertain that all previous building consents for that building have been completed.
- 6.11 The owner should be advised of outstanding consents in an effort to finalise these (refer to section 7 below).
- 6.12 If the records are incorrect, it maybe necessary to conduct an investigation to ascertain why.

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- 6.13 If non-conformity is due to unauthorised work, the building consent authority should issue a notice to ix (refer to T 31).
- 6.14 The building consent authority should consider enforcement action (refer to T-38).
- 6.15 This may also necessitate the applicant applying to the building consent authority for a certificate of acceptance if the unauthorised work has been carried out since July 1992 (refer to T-36).

7 ARRANGE INSPECTIONS AND FINALISE OUTSTANDING CONSENTS

- 7.1 Advise the building owner that the premises have building consent(s) that have not had a code compliance certificate issued.
- 7.2 This should include advice that, if the premises are for public use and are occupied or used by the public, an offence has occurred (refer to T-47).
- 7.3 Advise the owner to have the building work completed and arrange the required inspections or final inspection (refer to T-30).
- 7.4 On being satisfied that the building work complies with the building consent and the Building Code, issue a code compliance certificate (refer to T-33).

8 WILL WORK RESULT IN A COMPLIANCE SCHEDULE OR AFFECT AN EXISTING COMPLIANCE SCHEDULE?

- 8.1 The territorial authority may require new work that results in the need for a compliance schedule. In this instance, a building consent application for this work will be required (refer to T-04).
- 8.2 The application will need to include a list of all specified systems that are being altered, added, or removed. The list must include maintenance and reporting procedures (refer to T-27.3).
- 8.3 The building consent authority must advise the owner/applicant to apply for an amendment to the compliance schedule (refer to T-27.1).
- 8.4 Where the territorial authority requires work which affects an existing compliance schedule (whether new, altered or removed) a building consent application for this work will be required (refer to T-04 and T-27.3).
- 8.5 The building consent authority must advise the applicant that an amendment is required and that the application be made to it.

9 PREMISES OPEN TO THE PUBLIC (T-47 PUBLIC USE)

- 9.1 If the premises are open to or for public use, advice is to be given to the owner that it is an offence to permit the use of all or any part of the premises affected by the building work (refer to T-47).

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10 PERMISSION DENIED FOR CHANGE OF USE – WRITTEN NOTIFICATION

10.1 If the required information has not been provided, or if the owner/applicant will not alter the building to comply, the territorial authority must inform the owner/applicant in writing that the request for a change of use has been refused.

10.2 The written notice of refusal must list the reasons why the application has been refused.

11 PERMISSION GRANTED FOR CHANGE OF USE – WRITTEN NOTIFICATION

11.1 When the assessment identifies compliance, the territorial authority shall advise the applicant/owner of the approval in writing stating:

- **In the case where the change of use involves the incorporation of one or more household units, where household units did not exist before –**

that the territorial authority is satisfied, on reasonable grounds, that the building in its new use will comply

as nearly as is reasonably practicable with every provision of the Building Code in all respects.

- **In all other cases –**

that the territorial authority is satisfied, on reasonable grounds, that the building in its new use will comply as nearly as is reasonably practicable with every provision of the Building Code that relates to either or both of the following:

- (a) means of escape from fire, protection of other property, sanitary facilities, structural performance and fire rating performance
- (b) access and facilities for people with disabilities (if required under section 118).

In addition, the building must continue to comply with other provisions of the Building Code to at least the same extent as before the change of use.

Notes

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