



BUILDING CONSENT AUTHORITY

**T-14.3 EXTENDING THE LIFE OF A BUILDING WITH A SPECIFIED INTENDED LIFE
(territorial authority function)**

Roles and Responsibilities

• **TEAM LEADER BUILDING**

To provide procedure that is to be followed for dealing with an application to extend the specified intended life of a building.

• **TEAM LEADER BUILDING**

To provide audit processes to ensure the above procedures are followed.

• **SENIOR CONSENTS OFFICER**

To be satisfied on reasonable grounds that the procedures required to extend the specified intended life of a building have been followed.

• **BUILDING OFFICIAL**

To appraise applications that are made to extend the specified intended life of a building.

Background

- Section 116 requires that the owner of a building with a specified intended life must not extend the life without first obtaining the written consent of the territorial authority. To do otherwise is an offence under section 116B.

Version No: 2

<p>NPDC Building Consent Authority</p>	<p>Location: Quality Manual</p>	<p>Authorised By: Peter Scantlebury Responsibility: Senior Building Officer</p>	
<p>Introduction Date: 2 August 2006</p>	<p>Issue Date: 1 March 2007 Review Date: 1 September 2007</p>	<p>File Name: T-14.3</p>	<p>Page 1 of 4</p>

- Section 116(2) applies to a building with a specified intended life if:
 - a) Building Act 2004 section 113(2): building consent for its building or alteration was issued subject to the condition that it **must** be altered on or before the end of the specified intended life
 - b) Building Act 1991 section 39(1): building consent for its building or alteration was issued subject to the condition that it **shall** be altered on or before the end of the specified intended life.
- Section 116(3) states that the territorial authority must not give its consent to the extension of life of a building to which section 116(2) applies unless satisfied on reasonable grounds that the building:
 - a) has been altered in accordance with the condition, and
 - b) complies with section 112.
- Section 112(1) requires that, before a building consent authority grants a building consent for the alterations of an existing building or part of an existing building, the building consent authority be satisfied on reasonable grounds that the building will:
 - a) comply as nearly as is reasonably practicable with the provisions of the Building Code that relate to:
 - means of escape from fire
 - access and facilities for people with disabilities
 - b) continue to comply with the other provisions of the Building Code to at least the same extent as before the alteration.
- Section 112(2) permits a territorial authority to allow the alteration of an existing building without fulfilling (a) and (b) above, if it is satisfied that:
 - a) if the building were to comply then the alteration would not take place; and
 - b) the alteration will result in improvements to:
 - means of escape from fire
 - access and facilities for people with disabilities; and
 - c) the improvements referred to in (b) outweigh any detriment that is likely to arise as a result of the building not complying with the relevant provisions of the Building Code.
- Section 116A states that a territorial authority must not issue a certificate under section 224(f) of the Resource Management Act 1991, for the purpose of giving effect to a subdivision affecting a building or part of a building, unless satisfied on reasonable grounds that the building will:
 - a) comply as nearly as is reasonably practicable with every provision of the Building Code that relates to one or more of the following matters:

<p>NPDC Building Consent Authority</p>	<p>Location: Quality Manual</p>	<p>Authorised By: Peter Scantlebury Responsibility: Senior Building Officer</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">NPDC Controlled Document</p>	<p>Version No: 2</p>
<p>Introduction Date: 2 August 2006</p>	<p>Issue Date: 1 March 2007 Review Date: 1 September 2007</p>	<p>File Name: T-14.3</p>	<p>Page 2 of 4</p>

- (i) means of escape from fire
 - (ii) access and facilities for persons with disabilities, if required under section 118
- b) continue to comply with the other provisions of the Building Code to at least the same extent as it did before the application for subdivision was made.

Procedure

1 APPLICATION RECEIVED TO EXTEND THE SPECIFIED INTENDED LIFE OF A BUILDING – RECEIVED BY A BUILDING CONSENT AUTHORITY THAT IS A TERRITORIAL AUTHORITY

- 1.1 On receiving written notice that an owner intends to extend the specified intended life of a building, the territorial authority will need to consider whether:
- the application meets the conditions specified in the original building consent issued:
 - Building Act 2004 section 113(2)
 - Building Act 1991 section 39(1)
 - the building needs to be altered in accordance with section 112(1)
 - the number of years that the owner intends to extend the life for is realistic (ostensibly, a building official will need to consider whether the building’s durability is commensurate with the proposed extended intended life).

2 BUILDING REQUIRES ALTERATION

- 2.1 If the building requires alteration to satisfy the provisions of section 112(1) and 112(2), the building official will advise the owner accordingly. The owner should be informed that:
- before undertaking the alterations they will need to apply for a building consent and that the application must include plans and specifications for the proposed alterations that demonstrate compliance with the provisions of sections 112(1) and 112(2)
 - the specified intended life will be required to be nominated on the building consent application form in accordance with section 113(3)
 - once satisfied on reasonable grounds, the territorial authority will advise the owner in writing in accordance with section 116(1)

Version No: 2

<p>NPDC Building Consent Authority</p>	<p>Location: Quality Manual</p>	<p>Authorised By: Peter Scantlebury Responsibility: Senior Building Officer</p>	
<p>Introduction Date: 2 August 2006</p>	<p>Issue Date: 1 March 2007 Review Date: 1 September 2007</p>	<p>File Name: T-14.3</p>	<p>Page 3 of 4</p>

- the consent will be issued with a condition that it must be altered on or before the end of the specified intended life
- upon issue of the code compliance certificate the specified intended life of the building will be extended to that nominated on the building consent.

2.2 The building consent application will be processed in accordance with T-19.

3 BUILDING DOES NOT REQUIRE ALTERATION

3.1 If the building does not require alteration because:

- the territorial authority is satisfied that the provisions of sections 112(1) and 112(2) are complied with, or
- the provisions of section 112(1) are not complied with but the territorial authority deems that the provisions of section 112(2) apply and that the building does not require alteration.

In accordance with section 116(3) the owner will be provided with written notice from the territorial authority that permission to extend the life of the building is granted.

3.2 If provisions of 112(2) are applied, the building official processing the request for an extension of specified intended life should document the reasons for being satisfied.

3.3 Any decisions made by the territorial authority should be noted on the building consent records.

3.4 Best practice dictates that the territorial authority will have a policy (guidelines) to assist staff in determining when the provisions of section 112(2) may be applied.

NOTES

Version No: 2

<p>NPDC Building Consent Authority</p>	<p>Location: Quality Manual</p>	<p>Authorised By: Peter Scantlebury Responsibility: Senior Building Officer</p>	
<p>Introduction Date: 2 August 2006</p>	<p>Issue Date: 1 March 2007 Review Date: 1 September 2007</p>	<p>File Name: T-14.3</p>	<p>Page 4 of 4</p>