

Doc
Ref

TS-14 Change of Use-NV

Date

20/05/2008

TS-14 Change of Use

BCA AIM

To ensure a change of use of an existing building complies with the provisions of the Building Act 2004.

ROLES AND RESPONSIBILITIES

BCA

To provide procedures to be followed for a change of use to an existing building.

Building Manager

To be satisfied on reasonable grounds that the procedures required to approve the change of use of buildings have been followed.

Building Officer

To appraise the documentation for the requirements of a change of use of buildings.

To be satisfied on reasonable grounds that the requirements of a change of use have been complied with


BACKGROUND

1. Section 114 requires a building owner to give written notice to the TA if it is proposed to change the use of a building.


PROCEDURE

1 IDENTIFY IF CHANGE OF USE

- 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
- 1.2 A check should be made to ascertain that the proposed use of the building is in accordance with those listed in Schedule 2, regulation 6 of the Buildings (Specified Systems Change of Use , and Earthquake-prone Buildings) Regulations 2005
- 1.3 A check should be made to ascertain that the proposed use nominated 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.
- 1.6 Assess the building file for the property If there are any outstanding building consent(s) or other matters requiring completion that may affect this application, these will need to be resolved. This may involve the completion of outstanding work, the withdrawing or amendment of a previously issued Building Consent, or with further information it may be determined that there is no effect on the current application. The application should be suspended until these matters are resolved

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- 1.7 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.
- 1.8 If the proposed change of use does not relate to household units, refer to section 3 below.

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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 TA 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. The appropriate check sheet for building consent processing should be used.
- 2.2 If documentation fails to demonstrate compliance, the Building Officer should contact the owner and advise them that the application is suspended until the appropriate information is provided.

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 that the building in its new use will comply with the clauses of the Building Code in relation 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 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 documentation fails to demonstrate compliance, the Building Officer should contact the owner and advise them that the application is suspended until the appropriate information is provided.

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

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 and the application should be assessed for the issue or alteration of a Compliance Schedule (refer to TS-27).

5. PREMISES OPEN TO THE PUBLIC (TS-47 PUBLIC USE)

If the premises are open to, or for public use advice should 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 TS-47).

6. ARE ALTERATIONS REQUIRED TO ACHIEVE COMPLIANCE WITH THE CHANGE OF USE

If alterations are proposed in association with change of use that require building consent, the owner/applicant should be advised.

7. PERMISSION DENIED FOR CHANGE OF USE – WRITTEN NOTIFICATION


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

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

8. PERMISSION GRANTED FOR CHANGE OF USE – WRITTEN NOTIFICATION

- 8.1 When the assessment identifies compliance, the TA 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 –**

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that the TA 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 TA 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 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