

APPLICATION FOR MODIFICATION RELATING TO B2 DURABILITY

The Building

Building consent No.

Date building consent granted

Street address of the building *(for structures that do not have a street address, state the nearest street intersection and the distance and direction from that intersection.)*

Legal description of land where building is located: *(state legal description as at the date of application and, if the land is proposed to be subdivided, include details of relevant lot numbers and subdivision consent)*

Description of building work

Date of pre-line:

Inspection:

Date of practical completion:

Date of Occupation:

Age of building work **Years**

I request a modification of the building consent for the following reason: *(please tick appropriate box)*

Age of the building work

Classified Use

Determination

Determination No.

The Owner

Name of owner: *(include preferred form of address e.g. Mr, Miss, Dr if an individual)*

Contact person: *(insert N/A if the applicant is an individual)*

Mailing address:

Postcode

Street address/registered Office:

Phone Number Work

After hours

Facsimile Number

Mobile

Email Address

Website

Agent (only required if application is being made on behalf of the owner)

Name of agent

Contact person

Mailing Address Postcode

Street Address/
Registered Office

Phone Number Work After Hours

Facsimile number Mobile

Email Website

Relationship to owner: *(supply details of authorisation from the Owner to make the application on the owner's behalf)*

First point of contact for communication with Council

Person requesting modification: Owner Agent
(Note: agent must have letter of authorisation to act on owners behalf)
Signature Date:

What is a Modification?

A modification allows the Council to exercise judgement when dealing with unusual building compliance matters. All application for building consent are required to comply with the mandatory provisions of the New Zealand Building Code (the code). Clause B2 of the Code deals with Durability; this clause contains provisions that, in general terms, require all building elements to be durable for a certain period, assuming normal maintenance. The periods are contained in Clause B2.3.1 and range from 5 years to the life of the building, being not less than 50 years. The required durability periods for individual building elements are determined by their use in the building, ease of detection if the element fails, and the ease with which the element can be accessed and replaced.

Clause B2.3.1 states that the durability period commences when Council issues the code compliance certificate (CCC) for the work concerned. In the normal course of events, the CCC is issued at about the same time the work is completed and the durability periods therefore commence from the date the CCC is issued. However, for whatever reason the CCC may not be sought until a significant number of years after the completion of the building. In such cases, when Council is asked to issue the CCC it may no longer be satisfied that the building elements will comply with Clause B2.3.1. This is because the building elements have already been in service for a significant period, and their durability periods with have been either partly or fully expended. A building owner may therefore be in the position where a building is fully compliant, but Council may refuse to issue the CCC because of concerns about compliance with Clause B2.3.1.

The Ministry of Business, Innovation and Employment has considered this issue in many Determinations issued since late 2005.. The Ministry has taken the pragmatic position in such Determinations, to modify the requirements of Clause B2.3.1 so that the durability periods commence when compliance with Clause B2 would have been achieved if the CCC had been issued at the time the building work has substantially completed. The modification means the building must comply with all the durability periods stated in Clause B2.3.1, but these periods start from an earlier date, rather than the date that the CCC is issued.

In practical terms, this means that if an owner wishes to apply for a CCC on an older building, they must apply for an amendment to the building consent modifying Clause B2.3.1 and agree a date with Council as to when durability commenced. This application form serves as an amendment for the purposes of applying for a modification in respect to Clause B2.

Once the date is agreed between Council and the owner, the CCC will be issued with the following statement:

This code compliance certificate has been issued subject to a modification of Clause B2.3. of the New Zealand Building Code. The modification has the effect that the required durability periods for building elements put in place in the course of the work carried out under this building consent, are to be measured from the date of substantial completion of the building work being the agreed date. The agreed date is **(agreed dated inserted here)**, not the date of issue of the code compliance certificate.