

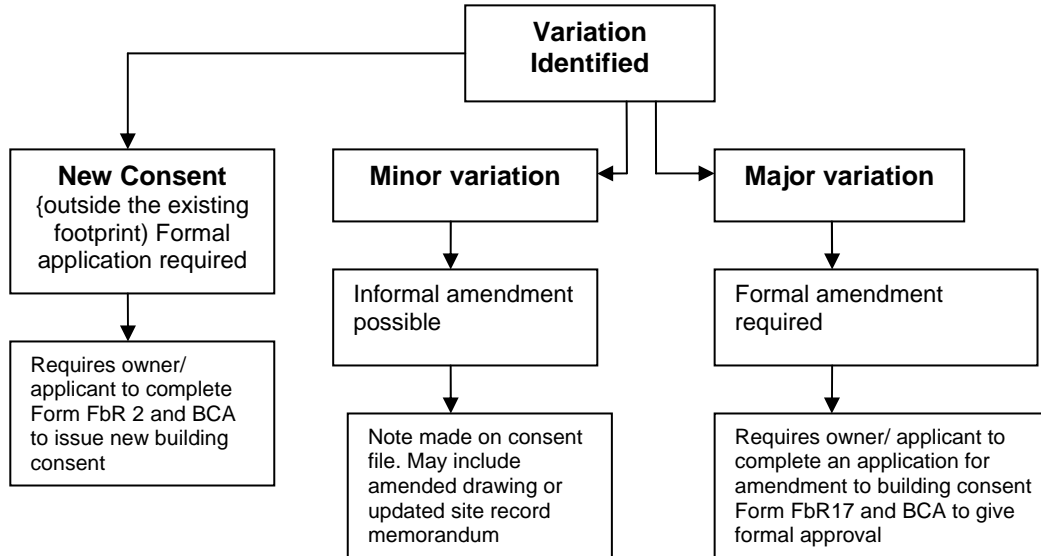
VARIATIONS TO CONSENT WORKS INFORMATION

KEY TERMS

For the purposes of this guide, a 'variation' refers to any **proposed** or agreed change to consented building work and may include product substitutions.

An 'amendment' means a **change** made to the original building consent, be it a simple alteration like a handwritten note on the consented plans by the consent applicant/builder/designer (**informal**), or through a **formal** amendment as set out in the Building Act 2004 and Building (Forms) Regulations 2004.

All amendments must be approved and recorded by the building consent authority (BCA).



HOW TO YOU KNOW WHAT IS A MINOR OR MAJOR VARIATON

It is very common for variations to consented building work to take place during a construction project. The question to consider is whether the change is **considered minor or major** in nature.

The following explanation of 'minor' and 'major' variations are to assist to more effectively determine what they consider to be 'minor' or 'major' variations.

Minor variations (informal)

A variation that is minor is a change that does not usually affect compliance with the Building Code - for example, the type of taps used or positioning of kitchen joinery or non-structural walls or door.

Most often the minor variation does not affect the level of Building Code compliance; it simply achieves the same outcome in a different way.

A BCA must still be notified about any proposed variation so it can confirm the change is minor, advise how they will deal with it and record the minor variation in writing. Minor variations should not usually require a Form FbR17 and, if approved, will not require the issue of an amended building consent. However, all minor variations that are approved must be recorded in writing (e.g. a hand-written note on the consented plans and inspection record note).

Major variations

This type of variation is for work deemed by the BCA to be of a scope outside that of an informal variation, but not of such an extent that it would require a new building consent. This may be work such as changed bracing layout, additional windows, or revised fixture layout. This work must be inside the footprint of the existing building consent and may not be carried out until approval from the BCA has been obtained and any outstanding fees relating to the amendment paid.

Any work outside the footprint will need a new building consent.

KEY MESSAGES FOR BUILDING CONSENT APPLICANTS

- As far as possible, finalise the details of what you want to build before applying for a building consent. If you or your client changes their mind after the building consent has been approved, allow for additional costs and some time delays.
- Factor amendments into your contingency planning and budgeting - particularly if you are considering an alteration or renovation. It is often difficult at the planning and initial design stage to predict all the factors about an existing building that will affect the new building work.
- Consider applying for a project information memorandum well before applying for a building consent. This can give you information about the site which might influence your planning and design and provide you with early notification of other approvals (e.g. resource consents, Historic Places Trust approvals, etc).
- Discuss the project with your builder/designer/owner before submitting the application for a building consent. For example, the builder may prefer to work with factory-manufactured trusses rather than constructing them as the designer has detailed in the consent documents.
- The building consent application, and any subsequent amendments that may be necessary, must contain sufficient detail to give the BCA 'reasonable grounds' on which to make its decision. The designer (and/or builder) must demonstrate compliance.
- If the BCA asks you to apply for an amendment to the building consent using its application form, submit your application as soon as possible to avoid delaying the building work. This application form FbR12 must be signed by the same person who signed the building consent application form FbR2. Work on the affected area cannot start, or continue, until the BCA has made its decision on the amendment application.
- Even if you do not need to submit an amendment application, you will still need to provide all the as-built information the BCA asks for. This ensures the consent file held by the BCA remains up to date and enables the code compliance certificate to be fully considered and issued quickly at the end.

KEY MESSAGES FOR BUILDERS, DESIGNERS AND PROJECT MANAGERS

- Build from the approved building consent plans and specifications. Look after them on site and refer to them frequently throughout the project.
- When preparing your application for a building consent amendment, present information on the plans and specifications that relates to compliance with the Building Code in a way that is clear and easy for the BCA to follow. Avoid, or separate out, details that do not relate to compliance with the Building Code. Make the changes clear and obvious for consent processing staff. Designers could use a Design Summary Form for this purpose, which is good practice. Ensure that the application form FbR17 is signed by the person who signed the building consent application Form FbR2.
- If you are thinking about varying the building work in any way that differs from the approved plans, advise the owner. Ultimately, the owner is responsible for the building work and for obtaining a code compliance certificate.
- Good project/site management includes effective management of variations that may occur during a building project.
- Do not carry out building work that is a variation from the approved consent until the proposed variation has been discussed and approved (whether formally or informally) by the BCA.
- Obtain a written record of any amendment agreed to by the BCA (e.g. site inspection notice/record).
- Give as much notice of amendments as possible to avoid or limit delays.
- Involve the designer in the process of considering an amendment to ensure the proposed variation does not impact on other parts of the building work.
- Remind the consent applicant/designer/builder/project manager to contact the BCA to seek approval for the proposed variation.
- The building consent application, and any subsequent amendments that may be necessary, must contain sufficient detail to give the BCA 'reasonable grounds' on which to make its decision. The designer (and/or builder) must demonstrate compliance.
- Explain why the proposed variation is necessary and be prepared to offer your view on how it complies with the Building Code (the designer may have primary responsibility for this). It will help support any request for an amendment.

FINALLY - If you are in doubt during your building project in respect of any deviations from your consented plans, please consult with us 'early' so matters can be sorted out before they become an issue.