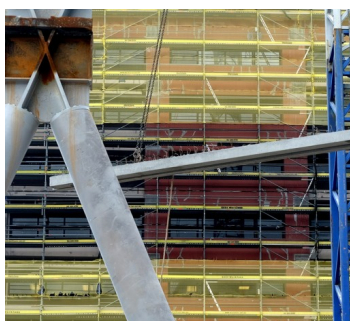


Altering an existing building



This guide helps you determine the requirements for proposed alterations to existing buildings, whether earthquake prone or not, and how these can be met.

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Of interest to Building consent authorities, Territorial Authority, Building owners, Designers, Architects

Introduction to altering an existing building

It's important for building consent applicants, building professionals and building consent authorities to understand the requirements for altering an existing building.

Altering an existing building can trigger certain requirements, including:

- ensuring the building continues to comply with the Building Code to at least the same extent as before the alteration, and
- complying 'as nearly as is reasonably practicable' (ANARP) with current Building Code requirements for:
 - means of escape from fire (referred to here as 'fire')
 - access and facilities for persons with disabilities (referred to here as 'accessibility')
- undertaking seismic work so that the building is no longer earthquake prone (for a substantial alteration (defined in regulations) to an earthquake-prone building).

The guide will be of interest to:

- building consent applicants, whether building owners, or building professionals on behalf of clients
- building professionals including architects and designers
- building consent authorities (BCAs) and territorial authorities considering building consent applications and determining whether or not to grant a building consent.

This guide helps you determine the requirements for proposed alterations to existing buildings, whether earthquake prone or not, and how these can be met.

This guide does not replace the decision-making powers of BCAs and territorial authorities in relation to alterations to existing buildings.

New building work associated with an alteration must comply with the Building Code. This advice does not apply to establishing compliance of new building work with the Building Code.

Fire and accessibility upgrades improve building safety

The requirements for buildings undergoing alterations mean that over time buildings are upgraded to better meet current Building Code requirements by making the most of planned interventions.

The Building Act sets out the rules for the construction, alteration, demolition and maintenance of new and existing buildings in New Zealand.

The key purposes of the Building Act include ensuring that:

- people who use buildings can do so safely and without endangering their health
- buildings have attributes that contribute appropriately to the health, physical independence, and wellbeing of the people who use them
- people who use a building can escape it if it is on fire
- buildings are designed, constructed, and able to be used in ways that promote sustainable development.

There are provisions in place for upgrading fire and accessibility features in buildings to achieve these purposes.

It is important to note that people with disabilities include those who have long-term physical, mental, intellectual or sensory impairments. These disabilities may, in interaction with various barriers, hinder full and effective participation in society on an equal basis with others. The Office for Disability Issues and NZS 4121:2001 have more information.

The Building Act 2004 (<http://legislation.govt.nz/act/public/2004/0072/141.0/DLM306036.html>) can be found on the Legislation website.

The Office for Disability Issues (<https://www.odi.govt.nz/home/about-disability/>) has further information.

NZS 4121:2001 (https://www.standards.govt.nz/assets/Publication-files/NZS4121-2001.pdf?utm_source+MBIE) Design for Access and Mobility is available on the Standards New Zealand website.

[Buildings for everyone: Designing for access and usability](https://www.building.govt.nz/building-code-compliance/d-access/accessible-buildings/) (<https://www.building.govt.nz/building-code-compliance/d-access/accessible-buildings/>) provides information about good practice for the design of buildings that are safe and easy to use for everyone

Managing building alterations

The rules for managing building alterations are primarily contained in section 112 of the Building Act, and section 133AT of the Building Act for earthquake-prone buildings.

Under the Building Act 2004:

- Section 112 sets out the requirements for altering an existing building that is not earthquake prone.
- Section 133AT sets out the requirements for altering an existing building that is earthquake prone, issued with an earthquake-prone building notice (EPB notice). This must be used instead of section 112.
- Schedule 2 and Section 118 set out the types of buildings to which the requirement to upgrade access and facilities for persons with disabilities applies. Section 7 defines a person with a disability. Sections 117, 119 and 120 are also relevant for applying the accessibility requirements.
- Section 7 defines means of escape from fire. The upgrade requirements for means of escape from fire apply to all existing buildings undergoing an alteration.
- NZS 4121:2001 is an Acceptable Solution to the Building Code for accessibility requirements.

Regulations:

- The Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 define the term 'substantial alterations' for earthquake-prone buildings subject to section 133AT of the Building Act.

Certain clauses in the Building Code relate to building alterations:

- means of escape from fire – clauses C3.4, C4, C6, D1, F6, F7, F8.
- access and facilities for persons with disabilities – clauses D1, D2, F7, F8, G1, G2, G3, G5, G9, G12.

You can find the following on the Legislation website:

- [Building Act 2004 \(http://legislation.govt.nz/act/public/2004/0072/141.0/DLM306036.html\)](http://legislation.govt.nz/act/public/2004/0072/141.0/DLM306036.html)
- [Building \(Specified Systems, Change the Use, and Earthquake-prone Buildings\) Regulations 2005 \(http://www.legislation.govt.nz/regulation/public/2005/0032/latest/DLM313966.html\)](http://www.legislation.govt.nz/regulation/public/2005/0032/latest/DLM313966.html)

[NSZ 4121:2001 \(https://www.building.govt.nz/building-code-compliance/g-services-and-facilities/g3-food-preparation-and-prevention-of-contamination/public-accommodation-access/access-standard-nzs-41212001/\)](https://www.building.govt.nz/building-code-compliance/g-services-and-facilities/g3-food-preparation-and-prevention-of-contamination/public-accommodation-access/access-standard-nzs-41212001/) Design for Access and Mobility is available on the Standards New Zealand website.

[Building Code compliance \(https://www.building.govt.nz/building-code-compliance/\)](https://www.building.govt.nz/building-code-compliance/) has the Building Code clauses.

[Earthquake-prone buildings: substantial alterations \(https://www.building.govt.nz/assets/Uploads/managing-buildings/earthquake-prone-buildings/epb-substantial-alterations.pdf\)](https://www.building.govt.nz/assets/Uploads/managing-buildings/earthquake-prone-buildings/epb-substantial-alterations.pdf) has more information.

Requirements of sections 112 and 133AT of the Building Act

Sections 112 and 133AT require:

1. The building's overall compliance with the Building Code (including other applicable clauses in addition to fire and accessibility, such as structure) must not be less than what it was prior to the alteration taking place.
2. The whole building needs to be upgraded so that it complies as nearly as is reasonably practicable with the current Building Code clauses for fire and accessibility (if applicable under section 118 of the Building Act).

The applicable Building Code clauses for fire and accessibility are:

Means of escape from fire

- C3.4 Fire affecting areas beyond the fire source
- C4 Movement to place of safety
- C6 Structural stability
- D1 Access routes
- F6 Visibility in escape routes
- F7 Warning systems
- F8 Signs

Access and facilities for persons with disabilities

- D1 Access routes
- D2 Mechanical installations for access
- F7 Warning systems
- F8 Signs
- G1 Personal hygiene
- G2 Laundering
- G3 Food preparation and prevention of contamination
- G5 Interior environment
- G9 Electricity
- G12 Water supplies

3. If the building being altered is earthquake prone and the alteration is a substantial alteration, section 133AT of the Building Act also requires the alteration to include the necessary seismic work so the building is no longer earthquake prone.

If building owners do not meet requirements 1 and 2, territorial authorities do have discretion to grant a building consent for a proposed alteration that does not comply. The criteria that must be met to apply this discretion are different for section 112 and section 133AT for earthquake-prone buildings. These are explained in Step 5 of this advice.

Other provisions include:

- the requirements for alterations to buildings with an intended life of less than 50 years, set out in section 113 of the Building Act
- the resource consent requirements for heritage buildings and forwarding the relevant building consent application to Heritage New Zealand
- the requirement to notify Fire and Emergency New Zealand of any alteration that affects a building's fire safety systems
- the additional detail required in building consent applications for buildings being altered that contain specified systems subject to a compliance schedule
- the requirements for alterations that also involve a change of use, set out in section 115 of the Building Act
- whether a certificate for public use is required when the public are still required to use the building while it is being altered, until a code compliance certificate is issued
- whether the building consent is subject to a waiver or modification of the Building Code, noting that waivers or modifications of the Building Code relating to access and facilities for persons with disabilities for existing buildings can only be granted through a determination.

The Building Act (<http://legislation.govt.nz/act/public/2004/0072/latest/DLM306036.html>) is available on the Legislation website

How to support your building consent application (<https://www.building.govt.nz/projects-and-consents/apply-for-building-consent/support-your-consent-application/>) provides more information on additional considerations required when preparing or checking a building consent application.

Earthquake-prone buildings: substantial alterations (<https://www.building.govt.nz/assets/Uploads/managing-buildings/earthquake-prone-buildings/epb-substantial-alterations.pdf>) has more information.

Alterations requirements apply to the whole building

The requirements above apply to the whole building undergoing an alteration, not only the tenancy or space undergoing the alteration work. Where there is a group of buildings, eg a campus, these requirements only apply to the building that is undergoing the alteration.

Meeting the requirements for altering existing buildings

Building consent applicants, design professionals, building consent authorities and territorial authorities all have specific requirements for altering existing buildings.

Building consent applicants

Building consent applicants need to ensure their building consent application includes all the required information to demonstrate:

- that compliance with other Building Code clauses is no less than what it was prior to the alteration
- compliance 'as nearly as is reasonably practicable' with the Building Code for fire and accessibility (if applicable), including evidence of weighing up the sacrifices and benefits of achieving full compliance. This evidence is best provided in a thorough report
- that in the case of a substantial alteration to an earthquake-prone building, the alteration includes the necessary seismic work so the building is no longer earthquake prone
- that the proposed alteration (ie new building work) complies with the Building Code.

Building design professionals

Building design professionals (including designers, architects, engineers or other professionals, such as builders):

- may advise building consent applicants, or act as the applicant on behalf of clients
- need to take into account the alterations requirements when preparing the building consent application documentation or advising on design.

Building consent authorities (BCAs)

BCAs:

- determine which aspects of the Building Act and Building Code need to be assessed when considering a building consent application for an existing building undergoing an alteration, and whether or not these requirements are met
- determine whether or not to grant a building consent under section 49 of the Building Act.

Territorial authorities

Territorial authorities step in where:

- a BCA has determined that a building consent application does not comply with the requirements for alterations, and the applicant wishes to proceed with the proposed alteration without complying with some of the required provisions
- the building is subject to a waiver or modification of the Building Code under section 67 of the Building Act (unless it relates to accessibility, in which case a determination is required under section 69 of the Building Act).

Demonstrating and assessing compliance for buildings undergoing alterations

If your building is undergoing an alteration then you need to demonstrate it complies with the requirements of the Building Act. This five-step process will help you to understand how you can meet the requirements and the information you will need to provide.

A building undergoing an alteration may be granted a building consent by demonstrating:

- that the proposed alterations (ie the new building work) will comply fully with applicable clauses of the Building Code, and
- that the building as a whole will continue to comply with all other relevant Building Code clauses (eg structure) to at least the same extent as before the alteration,
- that the building as a whole will comply 'as nearly as is reasonably practicable' (ANARP) with applicable Building Code clauses for fire and accessibility after the alteration takes place, and
- if the building is earthquake prone and the alteration is a substantial alteration, that the proposed alteration includes the necessary seismic work so that the building is no longer earthquake prone.

Building Code compliance can be demonstrated using Acceptable Solutions, Verification Methods, or NZS 4121:2001 (as an Acceptable Solution under section 119 of the Building Act). Other methods of compliance may also be accepted by the BCA, such as an alternative solution.

[Alternative solutions for complying with the Building Code \(https://www.building.govt.nz/building-code-compliance/how-the-building-code-works/different-ways-to-comply/alternative-solutions/\)](https://www.building.govt.nz/building-code-compliance/how-the-building-code-works/different-ways-to-comply/alternative-solutions/) has further information.

Meeting the requirements

The following steps set out a process to ensure the requirements for alterations to existing buildings, whether they are earthquake prone or not, are thoroughly considered in the building consent process. It is helpful for:

- applicants putting together building consent applications
- BCAs or territorial authorities considering building consent applications.

This advice does not apply to establishing compliance of new building work with the Building Code.

Read the following pages for further information:

- [How to support your building consent application \(https://www.building.govt.nz/projects-and-consents/apply-for-building-consent/support-your-consent-application/\)](https://www.building.govt.nz/projects-and-consents/apply-for-building-consent/support-your-consent-application/)
- [Different ways to comply with the Building Code \(https://www.building.govt.nz/building-code-compliance/how-the-building-code-works/different-ways-to-comply/\)](https://www.building.govt.nz/building-code-compliance/how-the-building-code-works/different-ways-to-comply/).

In practice, the steps set out below are unlikely to be a linear process. A pre-application meeting between the applicant, their designer(s) and the BCA and/or territorial authority is recommended, and ongoing dialogue is likely to be necessary.

Step 1: Applicants check what is required for the proposed alteration

Building consent applicants should work through the diagram in Step 1 to see which requirements apply:

- section 112 applies to buildings that are not earthquake prone

- section 133AT applies to buildings that are earthquake prone.

If the alterations requirements apply, go to step 2.

View the full details for Step 1 (<https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/altering-existing-building/demonstrating-and-assessing-compliance-for-buildings-undergoing-alterations/step-1-applicants-check-what-is-required-for-the-proposed-alteration/>)

Step 2: Applicants consider current and proposed Building Code compliance for the whole building

Building consent applicants need to consider the whole building (not only the part being altered) and:

- provide evidence that the building will continue to comply with all clauses of the Building Code to the same extent as before the alteration, and
- identify the Building Code clauses relating to fire and accessibility that the building will not fully comply with after the proposed alteration. These are the outstanding clauses an ANARP assessment will apply to for fire and accessibility.

Buildings subject to section 133AT will also need to consider the requirements of 'substantial alterations' if this requirement is triggered.

View the full details for Step 2 (<https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/altering-existing-building/demonstrating-and-assessing-compliance-for-buildings-undergoing-alterations/step-2-applicants-consider-current-and-proposed-building-code-compliance-for-the-whole-building/>)

Step 3: Applicants assess ANARP for the outstanding fire and accessibility Building Code clauses

To assess ANARP, MBIE recommends that building consent applicants complete, and BCAs consider:

- a gap analysis between the building's current and full compliance with the fire and accessibility provisions, and
- a weighting exercise to consider the sacrifices and benefits of full compliance.

View the full details for Step 3 (<https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/altering-existing-building/demonstrating-and-assessing-compliance-for-buildings-undergoing-alterations/step-3-applicants-assess-anarp-for-outstanding-fire-and-accessibility-building-code-clauses/>)

Step 4: BCAs determine whether the proposed alteration complies with the requirements

BCAs consider the full building consent application to determine whether or not the proposed alteration complies with the requirements of section 112 or section 133AT of the Building Act. Subject to other building consent requirements also being met, they approve or decline the application.

View the full details for Step 4 (<https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/altering-existing-building/demonstrating-and-assessing-compliance-for-buildings-undergoing-alterations/step-4-bca-determines-whether-the-proposed-alteration-complies-with-the-requirements/>)

Step 5: If required, territorial authorities consider if discretion applies to the application

If required, territorial authorities may consider applying discretion to approve a building consent in certain circumstances when the requirements aren't met.

View the full details for Step 5 (<https://www.building.govt.nz/building-code-compliance/b-stability/b1-structure/altering-existing-building/demonstrating-and-assessing-compliance-for-buildings-undergoing-alterations/step-5-if-required-territorial-authorities-consider-if-discretion-applies-to-the-application/>)

Additional resources

MBIE has previously issued advice on requesting information about means of escape from fire for existing buildings. This guide sets out different levels of information that building consent applicants should provide, and BCAs or territorial authorities should look for when considering a building consent application for an existing building undergoing an alteration, change of use or subdivision. It is relevant for understanding the level of information needed to assess compliance with the alterations requirements.

MBIE recommends using this advice in conjunction with this guide for establishing an appropriate ANARP threshold for fire and accessibility by broadening the applicable Building Code clauses to include those for accessibility. Important links are identified in each step of the process.

Requesting information about means of escape from fire for existing buildings (<https://www.building.govt.nz/building-code-compliance/c-protection-from-fire/c-clauses-c1-c6/means-of-escape/our-recommended-approach/>).

Using the decision-making framework - examples

Required upgrades for fire and accessibility should be considered in relation to the significance of the alteration. These example scenarios set out considerations using the five-step process for moderate and significant alterations respectively.

These example scenarios set out considerations for moderate and significant alterations respectively.

Minor alterations may result in less significant improvements regarding fire and accessibility. Examples of minor improvements may include fitting a grab rail adjacent to the existing toilet pan, changing handle taps to the wash hand basin to capstan lever taps, or contrasting stair nosings.

Although relating to change of use, the existing advice for temporary business and housing relocations contains useful information for considering reasonable upgrades in relation to minor, straightforward alterations.

[Change of use – A guide for Christchurch City Council temporary business and housing relocations](https://www.building.govt.nz/assets/Uploads/managing-buildings/changing-or-assessing-building-use-in-canterbury/change-of-use-guidance-ccc.pdf)

(<https://www.building.govt.nz/assets/Uploads/managing-buildings/changing-or-assessing-building-use-in-canterbury/change-of-use-guidance-ccc.pdf>)

[Previous determinations \(https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/\)](https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/) are publicly available and contain legal decisions relating to the process of weighting sacrifices and benefits in relation to 'as nearly as is reasonably practicable' (ANARP).

The following examples correspond with Steps 1 to 5 in the section Demonstrating and assessing compliance. These examples are a guide only and do not replace the decision-making powers of BCAs and territorial authorities in relation to alterations to existing buildings.

Scenario 1: Building consent application demonstrates compliance

A building consent application is received by a BCA for a proposed alteration to an existing building that is not earthquake prone. The proposed alteration is considered a moderate level of building work based on the advice presented in 'Requesting information about means of escape from fire for existing buildings'.

[Requesting information about means of escape from fire for existing buildings \(https://www.building.govt.nz/building-code-compliance/c-protection-from-fire/c-clauses-c1-c6/means-of-escape/\)](https://www.building.govt.nz/building-code-compliance/c-protection-from-fire/c-clauses-c1-c6/means-of-escape/).

Step 1 – Applicants check what is required for the proposed alteration

Evidence submitted with the building consent application

- Information provided in response to each question in the decision-making pathway in Step 1 to illustrate that the requirements of section 112 of the Building Act apply for both fire and accessibility.

Consideration by the BCA

- Considers information presented in conjunction with the decision-making pathway in Step 1. Agree that section 112 of the Building Act applies for both fire and accessibility.

Step 2 – Applicants consider current and proposed Building Code compliance for the whole building

Evidence submitted with the building consent application

- Evidence provided that the building will continue to comply with all other Building Code clauses to the same extent after the proposed alteration.
- Table included in application outlining applicable Building Code clauses for fire and accessibility identified in Step 2, and how compliance is demonstrated (eg the applicable Acceptable Solution, Verification Method or Alternative Solution).
- In summary, full compliance will be maintained (or achieved) for the following clauses: C3.4, C4, C6, D1, G2, G3, G5, G9, G12.

Consideration by the BCA

- Considers information presented along with building age and information on file.
- Considering the proposed design, the BCA concludes that the building will continue to comply with other Building Code clauses to the same extent.
- Agrees that full compliance is demonstrated for clauses: C3.4, C4, C6, D1, G2, G3, G5, G9, G12.

Step 3 – Applicants assess ANARP for the outstanding fire and accessibility Building Code clauses

Evidence submitted with the building consent application

- Table presented outlining a gap analysis of outstanding Building Code clauses for fire and accessibility, including what they require, existing features in the building, and whether the proposed design includes any improvements to these. Additional commentary is provided to support this that outlines the weighting exercise (sacrifices and benefits) and justification to inform the ANARP threshold.
- In summary, the outstanding Building Code clauses are: F6, F7, F8, G1.
- Additional signage, additional interventions to improve visibility in escape routes, an automatic fire alarm and sprinkler system, and accessible facilities are required to achieve full compliance with the outstanding Building Code clauses.
- The design includes all of these except an automatic sprinkler system. The applicant outlines that the cost of this is too great compared to the benefit (despite being improved life safety). The applicant instead proposes some improvement rather than full compliance by way of an automatic fire alarm.

Consideration by the BCA

- Considers information presented against each specific Building Code requirement, paying specific attention to the sacrifices and benefits associated.
- The BCA concludes that:
 - the applicant has provided a thorough assessment of the sacrifices and benefits of the requirements for achieving full Building Code compliance
 - the applicant has made a reasonable effort to include upgrades to fire and accessibility
 - the alteration to the building is moderate, and installation of an automatic fire sprinkler system is significant
 - the cost of all possible upgrades, including the sprinkler system, are estimated to cost more than the total proposed alteration work itself
 - it is reasonable that the ANARP threshold for this alteration does not include the sprinkler system given the other interventions and upgrades being made by the applicant (owner).

Step 4 – BCA determines whether the proposed alteration complies with the requirements

Evidence submitted with the building consent application

- This step is completed by the BCA.

Consideration by the BCA

- BCA determines that the proposed alteration complies with the requirements of section 112, and all other requirements of the building consent application are met. Building consent issued.
- Thorough decision-making records are filed.

Step 5 – If required, territorial authorities consider if discretion applies to the application

Evidence submitted with the building consent application

- Not required.

Consideration by the BCA

- Not required.

Scenario 2: Building consent application does not demonstrate compliance and territorial authority uses discretion to proceed

A building consent application is received by a BCA for a proposed alteration to an existing building that is earthquake prone. The proposed alteration is significant based on the advice presented in 'Requesting information about means of escape from fire for existing buildings'. It also meets the definition of a substantial alteration.

[Requesting information about means of escape from fire for existing buildings \(https://www.building.govt.nz/building-code-compliance/c-protection-from-fire/c-clauses-c1-c6/means-of-escape/\)](https://www.building.govt.nz/building-code-compliance/c-protection-from-fire/c-clauses-c1-c6/means-of-escape/).

[Earthquake-prone buildings: substantial alteration \(https://www.building.govt.nz/assets/Uploads/managing-buildings/earthquake-prone-buildings/epb-substantial-alterations.pdf\)](https://www.building.govt.nz/assets/Uploads/managing-buildings/earthquake-prone-buildings/epb-substantial-alterations.pdf).

Step 1 – Applicants check what is required for the proposed alteration

Evidence submitted with the building consent application

- Information provided in response to each question in the decision-making pathway in Step 1 to illustrate that the requirements of section 133AT of the Building Act apply for both fire and accessibility.
- Also identifies that it meets the definition of 'substantial alteration' and needs to include seismic work so that the building is no longer earthquake prone.

Consideration by the BCA

- Considers information presented in conjunction with the decision-making pathway in Step 1. Agree that section 133AT of the Building Act applies for both fire and accessibility, and that the requirements for substantial alterations are triggered.

Step 2 – Applicants consider current and proposed Building Code compliance for the whole building

Evidence submitted with the building consent application

- Evidence provided that the building will continue to comply with all other Building Code clauses to the same extent after the proposed alteration.
- Evidence provided that strengthening work is included in the alteration, that when completed will bring the building to 80% of the New Building Standard (NBS).
- Table included in application outlining applicable Building Code clauses for fire and accessibility identified in Step 2 and how compliance is demonstrated (eg the applicable Acceptable Solution, Verification Method or Alternative Solution).
- Full compliance will be maintained (or achieved) for the following clauses: C3.4, C6, F8, G1, G2, G3, G5, G9, G12.

Consideration by the BCA

- Considers information presented along with building age and information on file.
- Considering the proposed design. The BCA concludes that the building will continue to comply with other Building Code clauses to the same extent, and that the proposed strengthening work will ensure the building is no longer earthquake prone once complete.
- Agrees that full compliance is demonstrated for clauses: C3.4, C6, F8, G1, G2, G3, G5, G9, G12.

Step 3 – Applicants assess ANARP for the outstanding fire and accessibility Building Code clauses

Evidence submitted with the building consent application

- Table presented outlining a gap analysis of outstanding Building Code clauses for fire and accessibility, including what they require, existing features in the building, and whether the proposed design includes any improvements to these. Additional commentary is provided to support this that outlines the weighting exercise (sacrifices and benefits) and justification to inform the ANARP threshold.
- In summary, an improvement in compliance will be achieved for the following clauses: C4, F6, F7
- The outstanding clauses are: D1, D2
- The applicant outlines in its commentary that the cost of complying with C4, F6 and F7 does not outweigh the benefits of complying. The design therefore includes improvements to these, such as installation of an automatic sprinkler system.
- The applicant upholds that compliance with D1 and D2 (by installing a lift) is too costly.

Consideration by the BCA

- Considers information presented against each specific code requirement, paying specific attention to the sacrifices and benefits associated.
- The BCA concludes that:
 - the applicant has made a reasonable effort to include upgrades to fire and accessibility, and has undertaken a thorough weighting exercise
 - the alteration to the building is significant, and considering upgrade over the life of the building, it would be reasonable to use this significant intervention to achieve compliance with Clauses D1 and D2 at this time by installing a lift. Future ability to do this once the alteration is completed is likely to be less economical (cost) and more inhibitive
 - the ANARP threshold includes installation of a lift.

Step 4: BCA determines whether the proposed alteration complies with the requirements

Evidence submitted with the building consent application

- This step is completed by the BCA.

Consideration by the BCA

- BCA determines that the proposed alteration does not comply ANARP with the applicable Building Code clauses for fire and accessibility. Building consent is not issued. The BCA continues their dialogue with the applicant to inform them of this consideration and decision, and notifies the territorial authority.

- Thorough decision-making records are filed.

Step 5 – If required, territorial authorities consider if discretion applies to the application

Evidence submitted with the building consent application

- Applicant continues the dialogue with the territorial authority, and formally requests to proceed with the building consent application using the discretionary clause, with the following reasons:
 - the cost of the work is already significant, and the additional cost of a lift (although economical now) would prevent the structural work from proceeding
 - installing a lift would reduce the floor area too significantly for viability in the rental market for offices, thereby affecting future income
 - the building is being improved dramatically in a number of other areas, including making it no longer earthquake prone, and some other aspects of fire and accessibility are upgraded.

Consideration by the territorial authority

- The territorial authority considers the argument and supporting information presented to inform the discretionary decision.
- Concludes that it is appropriate to allow the alteration to proceed, as it meets the following conditions:
 - the alteration includes the necessary seismic work, and
 - if the building were required to comply with the specified provisions, it would be unduly onerous for the owner in the circumstances, and
 - the permitted non-compliance is no more than is reasonably necessary for the objective of ensuring that the building or part is no longer earthquake prone, and
 - after the alteration, the building will continue to comply with all relevant provisions to the same extent as before the alteration.
- All other requirements of the building consent application are met. Building consent issued.
- Thorough decision-making records are updated and filed.



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- with compliance with the Building Act, it is published under section 175 of the Building Act
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