

Application to amend a Building Consent and modify B2 Durability

This form is an adaption of Form 2 and used solely for the purposes of an amendment under s.45(4)(b) of the Building Act 2004

THE BUILDING			
Building consent number:	Click here to enter text.	Date Issued:	Click here to enter a date.
Street address of building:	Click here to enter text.		
Legal description of land where building is	Click here to enter text.		
Building Name		Occupancy numbers	
Location of building on site		Year first constructed	
Number of levels		Level/Unit number	
Floor area		Current lawful use	
THE OWNER			
Name of owner: <i>(Include preferred form</i>	Click here to enter text.		
Mailing address:	Click here to enter text.	Postcode:	
Phone number: Day	Click here to enter text.	After hours:	Click here to enter text.
Email address:	Click here to enter text.		
AGENT (this information is only required if the application is being made on behalf of the owner)			
Name of agent:	Click here to enter text.		
Mailing address:	Click here to enter text.	Postcode:	
Phone number: Day	Click here to enter text.	After hours:	Click here to enter text.
Email address:	Click here to enter text.		

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Relationship to the owner

The following evidence of ownership is attached

☐ Record of Title

☐ Lease Agreement

☐ Agreement for sale & purchase

APPLICATION

We seek a modification of sub-clause B2.3.1 ["Modification of the durability periods described in Clause B2.3.1"](#)

Date consent granted

Date building occupied

Date of practical completion

Age of building work

I confirm there are no known compliance issues or outstanding matters associated with the original consent

☐

FIRST POINT OF CONTACT FOR COMMUNICATION WITH COUNCIL

Person requesting waiver or modification

(Note: Agent must have letter of authorisation to act on the owner's behalf)

☐ Owner

☐ Agent

Signature

Date

BILLING DETAILS

Related invoices to be billed to:

☐ Owner

☐ Agent

Preferred method of billing:

☐ Email

☐ Post

COUNCIL USE ONLY

Decision date

Decision

☐ Approved

☐ Declined

Establishing date of durability:

Agreed date

Name of Assessor approving modification:

BUILDING ADMINISTRATION OFFICER

Modification Number:

Date MBIE Notified:

WHAT IS A MODIFICATION

A modification allows the Council to exercise judgement when dealing with unusual building compliance matters. All applications for building consents 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 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 the CCC it may no longer be satisfied that the building elements will comply with Clause B2.3.1 This is because the building 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 Durability. 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 has been issued at the time the building work was substantially completed. The modification means the building must comply with all the durability periods stated in Clause B2.3.1, but that 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 first apply for an amendment to the building consent (using this form) seeking to modify Clause B2.3.1 and agree a date with Council as to when durability commenced. (*An older building is one where the building consent was issued more than 5 years previously*).

We will then assess that amendment to ensure there have been no changes to the approved plans, all nominated inspections have been undertaken, all supporting documentation has been provided and the building has been well-maintained. Once these matters have been satisfied, we will then turn our minds to the Durability provisions and decide whether we can approve the amendment. If the amendment is approved, Council will determine the date that applies (this is usually the date of practical completion) noting the agreed date on Form 5 (the amendment).

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