Application for Waiver or Modification under [Section 67](http://legislation.govt.nz/act/public/2004/0072/144.0/link.aspx?id=DLM306812) of the Building Act 2004

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| **Applicant** (complete all sections in orange) | | |
| **Property Details** | | |
| Property address: | Click or tap here to enter text. | |
| **Details of Waiver or Modification** | | |
| Notification details | Waiver | Modification |
| Building Code Clause subject to waiver or modification *(i.e. D1.3.3 (i)* | Click or tap here to enter text. | |
| **Reasons for Waiver or Modification** (see guidance below) | | |
| Click or tap here to enter text. | | |
| **Proposed Modification (see guidance below)** | | |
| If applying for a modification provide re-worded or additional wording in relation to the modified clause(s) or sub-clause(s) | | |
| Click or tap here to enter text. | | |
| **Completed by** | | |
| Name: Owner / Authorised agent | Click or tap here to enter text. | |
| Date: | Click or tap here to enter text. | |

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| **Territorial Authority** (complete all sections in blue) | | |
| **Contact details** | | |
| **Name of Territorial Authority:** Queenstown Lake District Council (QLDC) | | |
| **Name of contact person:** Click here to enter text. | | |
| **Phone:** 03 441 0499 | **Email:** [building@qldc.govt.nz](mailto:building@qldc.govt.nz) | |
| **Address:** 74 Shotover Street, Queenstown | | |
| **Property & Building Details** | | |
| Building Consent Number: | Click or tap here to enter text. | |
| Building Use(s) – [Building Code Clause A1](http://www.legislation.govt.nz/regulation/public/1992/0150/latest/DLM162576.html#DLM6632400) | Click or tap here to enter text. | |
| Use(s) from the [Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005](http://www.legislation.govt.nz/regulation/public/2005/0032/latest/DLM313966.html) | Click or tap here to enter text. | |
| **Details of Waiver or Modification** | | |
| Notification details | Waiver | Modification |
| Building Code Clause subject to waiver or modification *(i.e. D1.3.3 (i)* | Click or tap here to enter text. | |
| What part of the building is subject of the waiver or modification application? | Click or tap here to enter text. | |
| Review applicants request and state reasons for TA acceptance *(if refused advise applicant with RFI)* | Click or tap here to enter text. | |
| Details of TA conditions (if any) applied under 67 (2) of the Building Act 2004 | Click or tap here to enter text. | |
| **Territorial Authority (TA) Signatory** | | |
| TA notification to MBIE ([section 68](http://legislation.govt.nz/act/public/2004/0072/144.0/link.aspx?id=DLM306814)) | [tanotifications@mbie.govt.nz](mailto:tanotifications@mbie.govt.nz) | Sent |
| Techone consent description altered *(i.e …subject to modification of D1.3.3(i))* | Click or tap here to enter text. | |
| Conditions imposed (section [70](http://legislation.govt.nz/act/public/2004/0072/144.0/link.aspx?id=DLM306816) & [72](http://legislation.govt.nz/act/public/2004/0072/144.0/link.aspx?id=DLM306819) ) | Yes | Not applicable |
| Processing BCO: | Click or tap here to enter text. | |
| Senior BCO: | Click or tap here to enter text. | |
| Date: | Click or tap here to enter text. | |

**GUIDANCE ON WAIVERS OR MODIFICATIONS OF THE BUILDING CODE**

Waivers and modifications allow TAs to exercise judgement when dealing with unusual building compliance situations. TA staff need to understand the structure of the Building Code to be able to effectively consider applications that include waivers or modifications. A TA that grants a building consent subject to a waiver or modification of the Building Code must notify the Chief Executive of the Department.

This form has been developed to capture information that will assist the Department with its monitoring role under section 169 of the Building Act 2004. Parts A-D of this form are intended to draw out the information required to effectively notify the Chief Executive of the Department of a TAs granting of a waiver or modification.

Notifications to the Chief Executive of a waiver of modification of the Building Code must contain specific detail so that it is clear what was actually being waived or modified by the TA.

* A TA that grants a building consent subject to waiver or modification of the Building Code must notify the Department.
* A waiver or modification of the Building Code may be subject to any conditions the TA considers appropriate.
* A TA cannot grant an application for building consent subject to a waiver or modification of the Building Code relating to access and facilities for people with disabilities.
* A request for a waiver or modification of energy work must be forwarded to the Chief Executive of the Department of Building and Housing for a decision.
* An alternative solution is not a waiver or modification of the Building Code.

**CLARIFICATION OF TERMS**

**What is a Waiver?**

A TA can waive the requirement for a particular application for a building consent, or part of an application, to comply with an aspect of the Building Code. In most cases waivers will relate to a particular performance requirement of a specific clause of the Building Code (eg C3.3.2 (d)). However, sometimes it may be appropriate to waive an entire Building Code clause.

**What is a Modification?**

In relation to an application for a building consent a TA can modify a performance requirement of the Building Code. This is usually done by modifying a performance requirement of the

Building Code so that the functional requirement and objectives of the clause are still met. A common example is the modification of B2.3.1, which relates to the durability of a particular element and when the durability period applies from.