

Building Change of Use

If you're thinking about changing the use of a building into temporary or permanent accommodation, you need to make sure you follow the requirements of the Building Act 2004.

Change of use

The Waimakariri District Council is receiving an increasing number of complaints relating to people living in a building not consented or approved for habitable use as permanent occupation. Common examples include, but are not limited to, converted shipping containers, free-standing garages, and the conversion of farm buildings, typically implement sheds and workshops.

What does the Building Act say and allow for?

Building work is defined as work for, or in connection with, the construction, alteration, demolition or removal of a building, including siteworks.

Can I live in a caravan or house bus on my property?

A caravan, house bus or similar vehicle must be roadworthy (meaning carrying current certificate (or warrant) of fitness and registration) at all times for it to be used on a property, and then it should be used for the purpose it was designed.

Any vehicle that is not roadworthy may be considered to be a permanent structure, and would not comply with the requirements of the *Building Act 2004* for living accommodation.

Section BL.8(1)(a) "Meaning of Building" describes a building as follows:

"means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery or chattels); and

A vehicle, or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) that is immovable and is occupied by people on a permanent or long-term basis" (section 8(1)(b)(iii)."

Section 2(1) of the *Land Transport Act 1998* describes a motor vehicle as:

- "a. Means a vehicle drawn or propelled by mechanical power; and*
- b. Includes a trailer, but*
- c. Does not include -*
 - i. A vehicle running on rails, or*
 - ii. An invalid carriage, or*
 - iii. A trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of an armament of the New Zealand Defence Force."*

Once a caravan/motor home and the like is connected to services (power, water, effluent), or the wheels removed/placed on piles, then it becomes a building.

Change of building use - what it means

An owner of a building must give written notice to the Council if they propose to change the use of a building.

The Council in turn will provide the owner with written notice if it is satisfied that the building in its new use complies with the other provisions in the Building Code relating to:

NOTE: The Building Act requires you to notify the Council of a change of use, and approval must be given before the project commences.

Continued over page

- means of escape from fire, protection of other property, sanitary facilities, structural performance and fire rating
- access and facilities for people with disabilities.

and must also comply with the other provisions of the Building Code to at least the same extent as before the change of use.

It is very important to be aware that if the change of use of the building results in the creation of household unit(s) where these did not previously exist, the building must then comply as nearly as reasonable practicable with the Building Code in all aspects.

Are there any exceptions?

In exceptional circumstances permission may be granted to live in temporary accommodation, if an approved and consented effluent disposal system has been installed, and potable water is available on site.

The Environmental Services Unit is available to discuss options available on a case-by-case basis. Please phone the Environmental Services Unit's Environmental Health Officer.

Find out more at waimakariri.govt.nz, or contact Customer Services on 0800 965 468.