

## Amendment of building permits

This updates the previous *Practice Note 2005-21* issued June 2005.

### 1. Summary

The relevant building surveyor (RBS) has the power to issue building permits, but also to amend them in case of error, or minor changes in design. The RBS will need to calculate the impact of such amendments on building costs, to ensure that the correct levy amounts are remitted.

### 2. When amendments are required

A building permit may have been issued with clerical errors or accidental omissions. In other cases, minor design changes may have occurred — for example, relocating, adding or deleting doors or windows.

Substantial design changes, such as an additional storey extension, would require a new building permit.

### 3. Powers to amend permits

The provisions that allow building surveyors to amend building permits are contained in the *Interpretation of Legislation Act 1984*, section 41A. Powers granted under this Act to issue permits include the power to revoke or amend them:

“41A If an Act or subordinate instrument confers power to make, issue or grant an instrument (not being a subordinate instrument) the power shall, unless the contrary intention appears, be construed as including a power, exercisable in the same manner and subject to the same conditions or limitations (if any), to repeal, revoke, rescind, amend, alter or vary an instrument made in the exercise of that power.”

### 4. Procedures

When amending a building permit, the RBS should proceed in accordance with the intentions of section 70 of the *Building Act 1993* (The Act), which relates to occupancy permits.

The building permit may be amended at the request of the building or land owner, or otherwise if the RBS considers it necessary.

### 5. Levy adjustments

Minor design changes that alter building costs increase the levy sum payable to the Building Administrative Fund. Additional levy amounts should be remitted with the next levy return submitted by the RBS.