

SUBSTITUTION – THE COST OF CHANGE

Substituting products can seem like a good idea, but because of today's building consent process, the true costs can be considerable.

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During construction, it can sometimes seem a good idea to substitute a product for the one originally specified. It may be that the specified product is difficult to obtain, another cheaper alternative has been found, the use of prebuilt components will speed the construction, or the builder is more familiar with another product. Whatever the motivator, it is important to think about the true costs.

Gaining consent for substitution

In the past, substitution was relatively straightforward – the designer or builder had a chat with the building inspector on site, and approval was given. Under the Building Act 1991, the decision was based on there being reasonable grounds to believe the building as built complied with the Building Code. Often the paperwork was sketchy and, as a consequence, the records held by the Council may not be a true record of what was actually built.

The game changed with the Building Act 2004, which requires that the building is the same as that approved in the building consent. This is intended to give greater assurance that the minimum standards of performance have been met and that the documentation accurately reflects the actual structure. It also gives certainty about obtaining a Code Compliance Certificate at completion of the work, even though Building Code requirements may have changed since the consent was issued.

Minor versus significant substitutions

Product substitutions can have a minor or significant impact on the performance of the building and must be carefully considered. Substituting a different brand of kitchen fittings is likely to have a minor impact on Building Code compliance. By contrast, the substitution of a cladding system can have significant implications and may need reassessment of the joinery details and/or the bracing and thermal insulation calculations, as well as assessment of the adequacy of the proposed new cladding itself.

Minor changes may be approved by simply submitting amended documentation and recording the changes and approval in the form of a site note. However, where the product is significant for achieving compliance with a Building Code clause, formal approval by obtaining an amendment to the building consent is likely to be required.

Significant substitutions are generally considered to include products contributing to structural, fire or acoustic performance, the thermal efficiency or weathertightness of the building, or the safety of and accessibility for occupants.

The Building Consent Authority is responsible for deciding whether a proposed substitution can be approved and how to record the change. If a formal approval as an amendment to the building consent is required, the Building Act is clear that the matters to be considered are the same as that for obtaining a building consent in the first place. This includes the level of documentation needed to support an application and the statutory time for approval of up to 20 working days.

Regardless of the significance of the proposed substitution, approval of the substitution must be obtained prior to the product being installed.

If a substitution really needs to be made, contact your Building Consent Authority... Never install the substituted product until some form of written approval is obtained.

Failure to do so can result in receipt of a notice to fix that may require remedial work, or the product may have to be removed. Failure to comply with a notice is an offence.

Product-specific documentation is important

Products can appear to be very similar, but not have the same level of performance required by Building Code clauses. There have, unfortunately, been several instances in recent years where product substitution has taken place and resultant performance has not been as expected.

As part of the consent process, where a product's performance is important in achieving compliance with the Building Code, documentation needs to be provided to support it. Much of this documentation, such as bracing, fire and acoustic performance testing, is specific to the product and is not transferable to other products, even where these appear similar.



There are four building components that need to be specified here. Were those installed the ones specified?

The Building Consent Authority needs information specific to the product being substituted to be provided for assessment as part of an application for an amendment to the original building consent.

Consider the costs and keep in touch

Before deciding to substitute a product for one specified and approved in the building consent, consider the costs. These costs can include:

- providing adequate documentation specific to the proposed product being substituted to support the amendment application
- Building Consent Authority fees for processing the application
- construction delays while the amendment is being obtained. Delays can be minimised by providing adequate documentation.

If a substitution really needs to be made, contact your Building Consent Authority to agree how the approval needs to be documented. It may just need approval recorded as a site note or letter if the substitution is of minor importance for code compliance. Never install the substituted product until some form of written approval is obtained.

It is better to get it right the first time. 🍷