



Department of
Building and Housing
Te Tari Kaupapa Whare

A guide to building work that does not require a building consent

Building Act 2004

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Introduction

PURPOSE

This document provides information about building work that does not require a building consent under the Building Act 2004 (the Building Act).

This document is mainly for building practitioners, architects, engineers, building surveyors, building consultants and building owners who are considering undertaking or providing advice about building work.

The information provided in this document should also be of interest to building consent authorities, and territorial authorities, who provide advice about consent and exemption requirements or consider discretionary exemptions under paragraph (k) of Schedule 1 to the Building Act.

This guide supersedes previous guidance about exempt building work published by the Department in 2008 and covers the amendments to Schedule 1 made by the Building (Exempt Building Work) Order 2010.

BACKGROUND

The Building Act (section 41) exempts certain building work from the requirement to obtain a building consent. This includes the exemptions listed in Schedule 1.

Exemptions under Schedule 1 recognise that minor and low-risk building work should not be subject to the requirements of the building consent process. That is because such low-risk work presents little danger to people or property, and the compliance costs associated with consenting such work are not outweighed by the benefits obtained from the consent process.

Undertaking building work that is not exempt without a building consent, is an offence under section 40 of the Building Act. A person who commits such an offence may be liable to a fine not exceeding \$100,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part day during which the offence continues.

Important note

Even if building work does not require a building consent, it is still a requirement of the Building Act that all building work must comply with the Building Code (refer to section 17 of the Building Act).¹ For this reason, skilled building practitioners will often need to be engaged to carry out the work.

¹ The Building Code is freely available online at: www.dbh.govt.nz/building-code-compliance-documents

Seeking advice on exempt building work

Building owners are responsible for:

- determining whether proposed building work is exempt from requiring a building consent
- ensuring exempt building work complies with the Building Code.

Building practitioners are also responsible for ensuring their work complies with the Building Code even when that work is exempt.

It is important to get good advice before deciding that building work is covered by the exemptions set out in the Building Act.

Where the owner is unable to determine conclusively for themselves that the building work they wish to undertake is exempt, they should seek advice from an appropriate person or organisation, such as a:

- building consent authority² (which has a wide range of building control expertise and information about exemptions and the building consent process)
- registered architect
- chartered professional engineer
- registered building surveyor
- building consultant
- licensed building practitioner (relevant licence class)
- certifying plumber or drainlayer, or
- some other person with appropriate knowledge and expertise in building controls.

All building work, regardless of whether a building consent is required, must comply with other relevant legislation,³ including the:

- Plumbers, Gasfitters, and Drainlayers Act 2006
- Electricity Act 1992
- Resource Management Act 1991
- Fire Service Act 1975.

Important note

All building work, regardless of whether a building consent is required, **must** comply with the New Zealand Building Code. Often this will require the engagement of a skilled building practitioner to undertake the building work.

An exemption does not, of itself, permit building work if that building work would be in breach of any other Act.

In dealing with licensed building practitioners, it is important to ask the licensed building practitioner if they hold the relevant licensing class before accepting their advice (eg, carpentry, site supervision).

Any work on a building that is required to be licensed under the Hazardous Substances and New Organisms Act 1996 is not exempt from the requirement for a building consent.

Your local council needs to protect public assets and public amenity such as public drainage systems and building height and location restrictions. This is administered under your local council's district plan and the Resource Management Act 1991. To ensure that your proposed building project complies with these requirements the Department strongly recommends that you seek advice from your local council when proposing to do exempt building work that includes extending the footprint of a building or adding a new building to your property (such as a carport). One option, that the Department recommends, to obtain this information is to apply for a Project Information Memorandum (PIM). A PIM will inform you about any district plan requirements and identify other authorisations and information that may be useful in the design and construction.

² Usually your local council's building control department.

³ Copies of relevant legislation are available at www.legislation.govt.nz

Section 41 of the Building Act: Building consent not required in certain cases

Section 41 of the Building Act, reproduced below, describes when a building consent is not required, including any building work described in Schedule 1.

Building consent not required in certain cases

- (1) *Despite section 40, a building consent is not required in relation to—*
- (a) a Crown building or Crown building work to which, under section 6, this Act does not apply; or*
 - (b) any building work described in Schedule 1; or*
 - (c) any building work in respect of which a building consent cannot practicably be obtained in advance because the building work has to be carried out urgently—*
 - (i) for the purpose of saving or protecting life or health or preventing serious damage to property; or*
 - (ii) in order to ensure that a specified system in a building that is covered by a compliance schedule, or would be covered if a compliance schedule were issued in respect of the building, is maintained in a safe condition or is made safe; or*
 - (d) any energy work that, under section 43, does not require a building consent; or*
 - (e) any building work that a territorial authority is authorised to carry out under this Act.*
- (2) *The Governor-General may, by Order in Council, add any building work or class of building works to Schedule 1 as being building work for which a building consent is not required.*

While section 41 of the Building Act provides exemptions for building work other than work listed in Schedule 1, this guidance focuses on Schedule 1 exemptions.

Important note

Where a building consent was required, but not obtained because the building work had to be carried out urgently to save or protect life or serious property damage (section 41(1)(c)), the owner must apply to the territorial authority for a certificate of acceptance under section 96 of the Building Act as soon as practicable after completion of the work. Not doing so is an offence under section 42 of the Building Act. Such offences may be liable to a fine not exceeding \$5,000.

Schedule 1 – Exempt building work

This document sets out all of the exemptions in Schedule 1 of the Building Act 2004 and provides guidance for deciding whether proposed building work qualifies as exempt.

The primary purpose of Schedule 1 is to exempt building work that is minor and low-risk in nature and where the benefits of requiring a building consent do not exceed associated compliance costs. Work exempt under Schedule 1 is generally building work that will not significantly affect public safety or the structural integrity or fire safety components of the building.

Some key terms (*italicised throughout this document*) are also defined in the 'Glossary of Terms' section at the end of this document.

REPAIRS, MAINTENANCE AND REPLACEMENT GUIDANCE

Exemption (a) of Schedule 1

A building consent is not required for the following building work:

- (a) any lawful repair and maintenance using comparable materials, or replacement with a comparable component or assembly in the same position, of any component or assembly incorporated or associated with a building, including all lawful repair and maintenance of that nature that is carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 2006, except—
 - (i) complete or substantial replacement of a specified system; or
 - (ii) complete or substantial replacement of any component or assembly contributing to the building's structural, behaviour or fire-safety properties; or
 - (iii) repair or replacement (other than maintenance) of any component or assembly that has failed to satisfy the provisions of the building code for durability, for example, through a failure to comply with the external moisture requirements of the building code; or
 - (iv) repair or replacement of a water storage heater connected to a solid-fuel heater or other supplementary heat exchanger (other than—
 - repair of an open-vented water storage heater using the same pipework; or
 - replacement of an open-vented water storage heater with a comparable heater using the same pipework).

Guidance

This exemption enables building owners to repair and maintain their buildings without having to get a building consent, provided they use comparable materials, *components or assemblies* in the same position. Additional guidance is available about this exemption in the Department's past Codewords publications.⁴ There have also been a number of determinations that discuss the use of *comparable materials*.⁵

⁴ For example, refer to *Codewords* publications issue 17 from January 2007, issue 27 April 2008, issue 30 August 2008 and issue 34 from August 2008 (the latter was specific to roofing re-claddings). Both are available at www.dbh.govt.nz/codewords-index

⁵ See determination 2006/116 and 2008/62 available online at www.dbh.govt.nz/determinations

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none"> Replacing 30-year old corrugated iron roof cladding, where that cladding has achieved its Building Code durability requirement (lasted more than 15 years) and the replacement cladding is a <i>comparable material</i>. Replacing a few (but not all) old rotten wooden piles under a house with new treated timber piles in the same positions. Replacing a low pressure, open-vented electric hot <i>water storage heater</i>, not connected to a wetback, with another similar low pressure electric hot <i>water storage heater</i> in the same position, using the same pipework. Replacing a damaged fire sprinkler in the same position. This work is not considered substantial as only one fire sprinkler is being replaced as opposed to the whole specified system. Repairing and repainting damaged solid plaster exterior wall cladding perhaps caused by a motor vehicle backing into the wall or a recent earthquake. Maintaining a weatherproofing membrane (eg, a fibreglass and painted surface system on an existing deck that forms the roof over a habitable room) by applying a new coat of fibreglass and paint in accordance with the manufacturer's instructions. Repairing or replacing a damaged stainless steel flue for an existing solid fuel heater (eg, wood burner) in the same position. Replacing, in the same position, any number of existing non-fire-rated wooden doors and windows (joinery and glazing) with new aluminium doors and windows. Repairing or replacing stairs in the same position. Repairing a septic tank effluent disposal system where the repair work is carried out by a certifying drainlayer. Following an earthquake, an owner carries out repair work to a brick chimney that has collapsed, using a comparable material and component such as a reinforced pumice concrete chimney. 	<ul style="list-style-type: none"> Replacing exterior wall cladding that has failed within 15 years of the cladding being installed, resulting in damage to the wall framing. Rebuilding a room in a house that has been substantially damaged by fire. Although the building may have met its durability requirements, the proposed building work would involve complete and substantial replacement of structural components, so a building consent is required. Replacing a low pressure electric hot <i>water storage heater</i> with a mains pressure gas hot <i>water storage heater</i> (ie, as the components are not comparable). Repair of an exterior wall following vehicle impact damage where the repairs require complete replacement of wall framing and integral bracing elements. Replacing a fire damaged roof to a warehouse where the work includes the complete replacement of roof trusses that affect the building's <i>structural stability</i>. Replacing old corrugated iron roofing with new concrete tiles. The heavier tiles are not comparable materials and the additional load would affect the building's structural stability. Repositioning a solid fuel heater (eg, wood burner) by shifting it from one end of a living room to the other.



DRAINAGE AND PLUMBING

Drainage systems

Exemption (ab) of Schedule 1

A building consent is not required for the following building work:

- (ab) the opening and reinstatement of any purpose-made access point within a drainage system that—
- (i) is not a *NUO system* or part of a *NUO system*;
 - (ii) is carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 2006.

Guidance

This exemption applies where a certifying drainlayer needs to access or supervise the accessing of a private drain using a purpose-made access point.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY

- A drain is blocked by a back-up of waste material within the drainage system. The blockage was caused by a child flushing a hand towel down the toilet. The problem is solved by opening a purpose-made access point, removing the towel, clearing the blockage and reinstating the access point.

Alterations to drains

Exemption (ac) of Schedule 1

A building consent is not required for the following building work:

- (ac) the *alteration* to drains for a dwelling, if the *alteration*—
- (i) is of a minor nature (for example, shifting a gully trap); and
 - (ii) does not include making any new connection to a service provided by a *network utility operator*; and
 - (iii) is carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 2006.

Guidance

This exemption applies only when a certifying drainlayer makes or supervises only minor alterations to a private drain serving a dwelling (residential house).

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none"> • A kitchen benchtop is replaced and the kitchen sink is moved to an adjacent wall (see exemption (ad)). The existing gully trap servicing the kitchen needs to be shifted a short distance to receive the discharge from the repositioned sink wastepipe. • A toilet pan has been repositioned in an existing bathroom (see exemption (ad)) and it is reconnected into the existing drain at a different point. • Installing a new access or <i>rodding point</i> for unblocking drains. • A short extension to a stormwater drain to collect water from a new downpipe. • Connecting a new gully trap on an existing drain to receive discharge from a redirected waste pipe. • Sealing off a branch drain following the removal of sanitary fixtures from an outbuilding associated with a dwelling. • Extending, for a short distance, the drain from a dwelling to connect to a new council sewer lateral installed at the boundary by the <i>NUO</i> due to the original lateral being damaged by tree roots (provided no new connections to a <i>NUO</i> system are made). 	<ul style="list-style-type: none"> • A branch drain will be extended so that it exceeds 10 metres in length, triggering the requirement for venting. The venting requirement means that this is not a minor alteration, so a building consent is required. • An existing laundry is reconfigured in a garage and the laundry tub is moved to an opposite wall. As a consequence, the main drain will need to be extended by several metres around the perimeter of the garage. This is not minor work and a building consent is required. • Installation of a new on-site grey-water disposal system. • Shifting the position of a private drain connection to a public (<i>NUO</i>) drain running through an easement on the same property.

Alterations to sanitary plumbing

Exemption (ad) of Schedule 1

A building consent is not required for the following building work:

(ad) the alteration to existing sanitary plumbing (as defined in section 3 of the Plumbers, Gasfitters, and Drainlayers Act 1976) in a dwelling (for example, replacing a bath with a shower or moving a toilet) carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 2006 and that is not repair or replacement to which paragraph (a)(iv) applies.

Guidance

This exemption applies only when a certifying plumber carries out or supervises alterations to sanitary plumbing in existing bathrooms, kitchens, laundries and toilets, etc without increasing the number of sanitary fixtures within the dwelling. Section 6 of the Plumbers, Gasfitters, and Drainlayers Act 2006 defines sanitary plumbing for the purposes of this exemption.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none"> • Repositioning existing sanitary fixtures (bath, basin, shower or toilet) within an existing bathroom. • Moving a toilet pan from a WC compartment into an adjacent existing bathroom. • An existing kitchen is being remodelled within the same space and the kitchen sink is to be moved to an adjacent wall. • An existing laundry washtub is to be moved to a new space within the adjacent existing kitchen area. • Removing an existing and internal electric hot <i>water storage heater</i> and installing an external gas instantaneous water heater (with no storage capacity). A consent is not required as the term <i>alteration</i> covers the extension of water pipes necessary to connect the new instantaneous gas water heater as well as the work of sealing redundant pipework following removal of the old storage heater. The gas and electrical work involved in connecting up the instantaneous gas water heater is also exempt energy work under section 43 of the Building Act. • Extending cold water pipework to serve a new outside hose tap on a dwelling. • Relocating or removing an outside hose tap on a dwelling to enable the construction of a new deck. • Repairs to any sanitary plumbing (fixtures, fittings and associated pipework) in a dwelling. 	<ul style="list-style-type: none"> • An ensuite is proposed and this includes the addition of a shower, hand basin and toilet. These sanitary fixtures are additional to those that already exist in the dwelling, so a building consent is required. • Replacing an open-vented hot <i>water storage heater</i> with a valve vented hot <i>water storage heater</i>. A consent is required as this type of plumbing work has a higher risk profile due to an increase in the complexity of the work ie, multiple safety valves. • Adding a bidet to an existing bathroom. This increases the number of sanitary fixtures.



Important note

Any plumbing work under this exemption must be carried out (or supervised) by a certifying plumber; otherwise it is not exempt work.

Where sanitary plumbing work could adversely affect the *structural stability* of structural elements such as floor joists or wall framing, this work may require a building consent. If in doubt, we recommend seeking professional advice first (eg, licensed building practitioner, chartered professional engineer, registered architect, building consultant, registered building surveyor or accredited building consent authority).

WINDOWS AND DOORS IN EXISTING BUILDINGS

Exemption (ae) of Schedule 1

A building consent is not required for the following building work:

- (ae) the installation, replacement, or removal in any existing building of a window (including a roof window) or an exterior doorway if—
 - (i) compliance with the provisions of the building code relating to *structural stability* is not reduced; and
 - (ii) in the case of replacement, the window or doorway being replaced satisfied the provisions of the building code for durability.

Guidance

This exemption allows the installation, replacement or removal of any number of windows (including a skylight) or an external doorway as long as the building work does not reduce compliance with the provisions of the Building Code that relate to *structural stability*.

In many cases, external walls are often load-bearing, meaning they support the structure above them, such as a roof or a second storey. External walls also often contain bracing elements (such as bracing rated wall board) that when combined help the building stand up to strong winds and earthquakes. A building's roof structure is commonly formed using either trusses or rafters and is exposed to significant pressures such as wind (causing uplift) and snow (adding additional weight) in certain areas. In large rooms within buildings, the ceiling linings can also contain structural bracing elements (similar to bracing in a wall and known as a diaphragm ceiling).

Reducing compliance with the *structural stability* provisions of the Building Code will often occur if any structural members or components are affected (eg, cutting through load-bearing wall framing, bracing elements or roof trusses to form an opening for a window, door or skylight). In these instances, this exemption does not apply and a building consent must be obtained.

Additionally, if a window, door or skylight is to be replaced, then it is important to consider whether it originally met the durability requirements of the Building Code. Doors and windows in an external wall are required, in most cases, to last at least 15 years. Most windows and doors should exceed this requirement with regular maintenance. However, if you are replacing a window, door, or skylight that has been installed within 15 years and it has failed (eg, rotted out), this work will require a building consent. If the door or window is older than 15 years and has rotted out and you are replacing it, then this work does not require a building consent. This recognises that replacing a window or door that has failed its durability requirements with a similar window or door could result in the replacement also failing.

Another aspect to consider is whether the window or door has to be fire-rated, for example, where it is located less than one metre from a legal boundary.

Important note

The building being worked on needs to be existing. Therefore this exemption does not apply to the construction of new buildings.

It is important when considering work that is close to or involves potentially load bearing walls to seek professional advice (eg, chartered professional engineer, registered architect, building consultant, registered building surveyor).

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• Installing a skylight into an existing roof, between trusses, so that the <i>structural stability</i> of the roof framing is not reduced (ie, the building’s trusses are not altered in any way).• Replacing a window with a door in an external load-bearing wall, as long as the width of the opening does not change and therefore the existing lintel is not altered. The wall framing below a window, in most cases, is not structural and can be removed under this exemption.• Removing a window and covering the opening with external cladding and internal linings, to form a wall with no opening. (Note that certain minimum Building Code requirements are still required to be met for ventilation, natural light and visual awareness for the internal space if it’s a habitable room.)• Replacing a set of French doors with a ranch-slider without altering the size of the wall opening.• Replacing an old wooden window that has lasted over 15 years with a new aluminium window.	<ul style="list-style-type: none">• A window that was installed in a building only six years ago is to be replaced due to a rotten timber window frame. Replacing this window requires a building consent because it has failed its 15 year durability requirement.• An opening is formed in an external load-bearing wall to install a new window. A lintel is required to support the roof load above. The building work to install the window and the structural lintel will require a building consent.• An opening is formed in a roof and the ceiling below to install a skylight. Although the installation does not affect the structural roof members, the room below is large and the ceiling is a bracing element (diaphragm ceiling). This will reduce the building’s compliance with the Building Code that relates to structural stability, so a building consent is required.• Installing a new door in an exterior braced wall. Wall bracing is reduced and structural stability is reduced.• Installing several new large skylights into an existing building (as depicted below) where rafters have to be cut and altered to fit the new skylights, affecting the structural integrity of the roof framing system.



IMPROVING ACCESS FOR PEOPLE WITH DISABILITIES

Exemption (af) of Schedule 1

A building consent is not required for the following building work:

- (af) the *alteration* to an entrance or an internal doorway of a dwelling to improve access for persons with disabilities, if compliance with the provisions of the building code relating to *structural stability* is not reduced.

Guidance

This exemption enables existing residential dwellings to be altered to improve access for people with disabilities.

In many cases external and internal walls are often load-bearing, meaning they support the structure above such as the roof or a second storey. External and internal walls also often contain bracing elements that, when combined, help the building stand up to strong winds and earthquakes.

Reducing compliance with the *structural stability* provisions of the Building Code will often occur if any structural members or components are affected (eg, cutting through load-bearing walls or bracing elements to widen an existing door opening). In these instances this exemption cannot be used and a building consent must be obtained.

To ensure consistency with exemption (ga), for ramps this exemption is limited to where it is not possible for a person to fall more than 1.5 metres even if the ramp collapses. Ramps (for people with disabilities) above 1.5 metres in height require a building consent.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• An entry to a dwelling has a door with a window on either side (both the windows and the door are within an aluminium frame). The entire aluminium frame can be removed and replaced with a wider door and a single window. The width of the opening does not change and therefore the existing lintel is not altered and <i>structural stability</i> is not reduced.• An internal doorway is required to be widened. The door is located in a wall that is not load-bearing and doesn't contain a bracing element. The opening can be widened without needing a building consent.• A door and the door jambs are removed from an existing doorway in an internal, load-bearing wall to leave an opening (without a door) wide enough to allow wheelchair access.• A ramp is constructed to provide access to a dwelling. The entire ramp is less than 1.5 metres in height above ground and complies in all other respects with the Building Code.• Installation of contrasting surfaces outside the entrance way to a dwelling.• Installation of an electric platform lift at the entrance to a dwelling.• Levelling the threshold of an existing entrance to provide for wheelchair access.	<ul style="list-style-type: none">• A door opening is widened in an external load-bearing wall to improve access. A new lintel is required to support the roof load above. The building work to widen the doorway and install a structural lintel will require a building consent.• A ramp is constructed to provide access to a dwelling. Part of the ramp exceeds 1.5 metres above the ground, so the ramp will require a building consent.• A ramp is built to provide wheelchair access into a commercial building. As the ramp is not associated with a dwelling, a building consent is required.



Important note

The exemption (af) only applies to existing dwellings (residential houses).

INTERIOR NON-RESIDENTIAL ALTERATIONS

Exemption (ag) of Schedule 1

A building consent is not required for the following building work:

- (ag) the *alteration* to the interior of any non-residential building (for example, a shop, office, library, factory, warehouse, church, or school), if the *alteration* does not—
 - (i) reduce compliance with the provisions of the building code that relate to means of escape from fire, protection of other property, sanitary facilities, *structural stability*, fire-rating performance, and access and facilities for persons with disabilities; or
 - (ii) modify or affect any specified system.

Guidance

The purpose of this exemption is to allow for non-residential buildings to be altered internally, for example the fitout of a commercial property. This exemption does not apply to residential buildings, including communal residential buildings such as hotels, retirement villages or camping grounds.

A building consent will be required if the proposed building work affects or modifies any of the following aspects so as to reduce compliance with the Building Code.

- Means of escape from fire
- Protection of other property
- Sanitary facilities
- Structural performance
- Fire-rating performance
- Access and facilities for people with disabilities

For example, reducing compliance with the provisions of the Building Code that relate to fire-rating performance is likely to occur if the performance of any fire-rated walls is affected (eg, cutting an opening through a fire-rated wall even if a fire door is to be installed). In these instances, exemption (ag) cannot be used and a building consent must be obtained.

Any *alteration* that affects a specified system (eg, sprinklers, fire alarms, smoke detectors, etc) will require a building consent.

If the internal alteration changes the use of a building, or a space within that building, this could be considered a change of use under the Building Act (section 115). In these instances, your local city or district council should be contacted as a building consent may be required for the building work.⁶

Because the types of buildings that this exemption relates to are often complicated, it is recommended that building owners seek professional advice from people with skills and experience in building compliance such as a registered architect, registered building surveyor or chartered professional engineer. If you are still unsure, however, then you should contact your local building consent authority⁷ for advice.

⁶ Refer to the Building Act 2004 and the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005. A copy is available at: www.dbh.govt.nz/building-regulations

⁷ Usually your local council's building control department.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY

- The owner of a retail store decides to do an internal fitout that includes new *linings* and *finishes*, shelving, clothes racks and simple low partitions. The escape routes are not reduced (eg, total open paths stay the same) and the building work does not affect any existing specified systems. This building work does not require a building consent.
- A restaurant undergoes an *alteration* that includes redecorating and new seating areas. The work does not affect escape routes (eg, total open paths stay the same) and the building work does not affect any existing specified systems. The building work does not require a building consent. As with all building work it **must** comply with the Building Code.
- Installing a window in a non-load bearing partition between a factory storage room and hallway to allow natural light into the hallway.
- Replacing *linings* and *finishes* within a retail shop where the work does not affect compliance with any fire-rating requirements.
- Removing a sink and a wash handbasin from a disused cleaners' cupboard in a shopping complex. The removal of the handbasin does not reduce compliance with Building Code provisions relating to sanitary facilities, as other fully complying facilities are available nearby in the complex. Note, any alteration work to sanitary plumbing must be carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 2006.

EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED

- The owner of an office building proposes to install a fire door in a firewall that separates an escape route. The building contains a fire alarm and sprinkler system. As the firewall is associated with the means of escape from fire, it becomes a specified system. The work will require a building consent.
- A restaurant undergoes an *alteration* to increase the number of customers it can serve. The increase in customers affects the number of sanitary facilities required (ie, additional toilets and wash handbasins need to be provided), so the work will require a building consent.
- A commercial property proposes to install a simple partition. The location of the partition requires an existing fire sprinkler head to be moved. This work is a modification to a specified system and will require a building consent.



Important note

Installing new walls and partitions (even non-load bearing ones) close to sprinkler heads may affect the effectiveness and compliance of the sprinklers, which are part of a specified system. Doing so will almost certainly necessitate a building consent.

INTERNAL FLOOR AND WALL LININGS AND FINISHES IN DWELLINGS

Exemption (ah) of Schedule 1

A building consent is not required for the following building work:
(ah) the replacement or *alteration of linings or finishes* of any internal wall, ceiling, or floor of a dwelling.

Guidance

This exemption allows you to replace or alter all the linings and finishes of internal walls,⁸ ceilings or floors of a dwelling (residential house). This exemption does not require comparable materials to be used, unlike exemption (a).

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">Replacing ceiling lining in an existing dwelling due to water damage from a burst pipe (note, that unlike exemption (a), this allows replacement with non-comparable materials provided that the complete replacement work complies with the Building Code).Replacement of worn-out flooring in a dwelling.Replacement of existing plasterboard wall <i>linings</i> in a dwelling with wood panelling.Replacing old borer-damaged tongue and groove floor boards in a dwelling with a new particleboard floor.Replacement of bathroom floor and wall <i>linings</i> and <i>finishes</i> as part of a bathroom alteration project.Repair to wall <i>linings</i> in a dwelling.	<ul style="list-style-type: none">Replacing <i>linings</i> and <i>finishes</i> in commercial and industrial buildings – unless the work is specifically permitted by another exemption.



Important note
When unsure whether proposed building work may affect Building Code compliance with fire safety, *structural stability*, internal moisture requirements, etc. advice should be sought from a suitably qualified person first (eg, registered building surveyor, chartered professional engineer, registered architect).

⁸ To avoid doubt, an internal wall also includes the internal (interior) side of an exterior wall.

NETWORK UTILITY OPERATOR INFRASTRUCTURE

Exemption (b) of Schedule 1

A building consent is not required for the following building work:

- (b) the construction or *alteration* of any motorway sign, *stopbank*, culvert for carrying water under or in association with a road, or other similar structure that is a simple structure and is owned or controlled by a *Network Utility Operator* or other similar organisation.⁹

Guidance

New Zealand requires the necessary infrastructure to operate effectively. This includes energy distribution, reticulated water, public drainage and telecommunications, etc. *Network utility operators (NUOs)* usually establish and control this infrastructure.

The purpose of this exemption is to allow essential building work on infrastructure to be done promptly. In many cases, this infrastructure is located on public land and often crosses territorial authority boundaries. Usually this infrastructure is designed, constructed, maintained and supervised by professionals within the industry and/or government agencies.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• A new motorway off-ramp has been constructed and the <i>NUO</i> proposes to erect a motorway sign to direct vehicles. As it is owned by a <i>NUO</i>, the new sign will not require a building consent.• An <i>NUO</i> proposes to build a culvert within the <i>NUO</i> controlled road reserve to provide a temporary crossing over a stream while repairs to an adjacent road bridge are completed.• An <i>NUO</i> carries out repair work to stopbanks and a public stormwater drain owned by the <i>NUO</i> following a severe flood.	<ul style="list-style-type: none">• A <i>NUO</i> proposes to build a new office at its sewerage treatment plant for its employees. This office would not be considered a simple structure and would need to comply with all requirements of the Building Act. The new office will require a building consent.



⁹ Organisations that provide infrastructure such as roading, rail, etc.

SIGNS

Exemption (ba) of Schedule 1

A building consent is not required for the following building work:

- (ba) the construction, installation, replacement, or *alteration* of a *sign* (whether free-standing or attached to a structure) and any structural support of the *sign*, if—
 - (i) the surface area of the *sign* does not exceed 6 square metres and the sign does not exceed 3 metres in height above the supporting ground level; or
 - (ii) the *sign* has been designed by a chartered professional engineer.

Guidance

Restrictions on the size (surface area) of the *sign* and its height above the *supporting ground* do not apply if the *sign* has been designed by a chartered professional engineer. The term ‘surface area’ refers to a single face of the *sign*. For example, the exemption would allow a 2 m x 3 m free-standing *sign* that displayed information on both sides of the *sign* to be built without a building consent.

The 3 metre height limit should be measured as the vertical distance between the highest point at the top of the *sign* and the lowest point of the *supporting ground* below the *sign*.

Chartered professional engineers are professional engineers registered by the Institution of Professional Engineers (IPENZ) acting as the registration authority. To qualify, engineers must be able to demonstrate current competency in their respective practice area, which is re-assessed at regular intervals.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• New 6 square metre <i>sign</i>, attached to the side of a building, where the highest point of the <i>sign</i> is no more than 3 metres above the <i>supporting ground</i> level.• A 1 square metre free-standing <i>sign</i> located outside a café where the highest point of the <i>sign</i> is 1.2 metres above the ground.• A 4 square metre billboard on a roadside where the highest point of the billboard is no more than 3 metres above the <i>supporting ground</i> level.• Any <i>sign</i> designed by a chartered professional engineer of any size or height.	<ul style="list-style-type: none">• Repairing a 10 square metre sign 3 metres above ground level not using <i>comparable materials</i>. Note exemption (a) allows repair using <i>comparable materials</i>.• Installation of a 20 square metre sign not designed by a chartered professional engineer.• Replacement of a 4 square metre sign attached to a commercial building located 6 metres above the <i>supporting ground</i> level.



Important note

Where signs are proposed on heritage or character buildings or in urban areas, it is important to first check with your local council for their approval, as there may be restrictions in the council’s district plan (made under the Resource Management Act 1991) on what signs you can construct without having to obtain a resource consent first.

HEIGHT RESTRICTION GANTRIES

Exemption (bb) of Schedule 1

A building consent is not required for the following building work:

(bb) the construction, installation, replacement, *alteration*, or removal of a *height-restriction gantry*.

Guidance

This exemption applies only to *height restriction gantries* (eg, a gantry that restricts vehicles over a certain height from passing into a car parking building or beneath an underpass). Gantries used for other purposes would require a building consent unless covered by another specific exemption.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• New <i>height restriction gantry</i> for a car parking building.• Replacing an existing damaged wooden <i>height restriction gantry</i> with a new steel one.• Installation of a new <i>height restriction gantry</i> for a drive-through at a fast food restaurant.• Repair of a <i>height restriction gantry</i> at a car parking building following impact damage from a vehicle.	<ul style="list-style-type: none">• A gantry used to support machinery or equipment.• A gantry to protect a public place (eg, a gantry over a footpath adjacent to a building site).



RETAINING WALLS

Retaining walls up to 1.5 metres

Exemption (c) of Schedule 1

A building consent is not required for the following building work:

- (c) the construction or *alteration* of any retaining wall that retains not more than 1.5 metres depth of ground and that does not support any *surcharge* or any load additional to the load of that ground (for example, the load of vehicles on a road).

Guidance

The purpose of this exemption is to allow a retaining wall (any wall constructed to retain or support the surrounding ground) as long as it does not retain more than 1.5 metres of ground.

This exemption does not apply to retaining walls that are subject to any additional load or *surcharge*, such as (but not limited to):

- vehicle driveways
- parking spaces
- buildings
- steep sloping ground above the top of the retaining wall.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• The construction of a timber retaining wall that is less than 1.5 metres high in a garden and no <i>surcharge</i> affects the retaining wall.• The owner of a motel decides to build a 1.2 metre high concrete crib-wall in the garden at the back of the motel. The retaining wall is not affected by any surcharge.• The construction of a 1 metre high concrete block retaining wall to provide an enclosure for a car park outside a dwelling. The retaining wall does not support any <i>surcharge</i> (eg, where the surface of the car park is below the retaining wall).	<ul style="list-style-type: none">• An owner wishes to form a level platform for a garden below a neighbour’s driveway. To do this, the owner intends to construct a 1.2 metre high retaining wall. As the proposed retaining wall is subject to a <i>surcharge</i> from the neighbour’s vehicle driveway above, it will require a building consent.• A retaining wall ranges in height from 900 mm to 1.8 metres. The part of the retaining wall that exceeds the maximum allowable height of 1.5 metres will require a building consent.



Important note

Having steep sloping ground above the top of the retaining wall may not always mean a building consent is required. To determine the impact of the sloping ground and its pressure on the stability of the proposed retaining wall, you may wish to seek professional advice such as from a chartered professional engineer first.

A safety barrier may be required under Building Code Clause F4 Safety from Falling where there is a fall of 1 metre or more. Factors to consider include:

- how accessible the retaining wall is
- the purpose/use of the retaining wall
- whether the top of the wall is frequented by young children, etc.

Retaining walls in a rural zone

Exemption (db) of Schedule 1

A building consent is not required for the following building work:

- (db) The construction, installation, replacement, or *alteration* of a retaining wall in a *rural zone*, if—
- (i) the wall retains no more than 3 metres depth of ground; and
 - (ii) the distance between the wall and any legal boundary or existing building is at least the height of the wall; and
 - (iii) the wall has been designed by a chartered professional engineer.

Guidance

This extends what you can do under exemption (c) by exempting retaining walls up to 3 m high in a *rural zone*¹⁰ provided the wall is designed by a chartered professional engineer. This exemption recognises that in low density *rural zones* (eg, on farms) the consequences of a retaining wall failing should be less significant than a failure in higher density urban environments and the likelihood of endangering people considerably less. The additional requirement for a chartered professional engineer also helps ensure exempted walls are less likely to fail.

Note: A safety barrier may be required under Building Code Clause F4 Safety from Falling where there is a fall of 1 metre or more, location and frequency of people are issues to consider in making this assessment.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none"> The construction of a retaining wall on a rural property 2.5 metres high, 3 metres away from an existing dwelling and designed by a chartered professional engineer. A farmer decides to build a retaining wall on his rural property 3 metres high and located 3 metres further away from a legal boundary. The wall has been designed by a chartered professional engineer. 	<ul style="list-style-type: none"> The construction of a retaining wall on a rural property with a height of 3 metres, 1 metre away from an existing dwelling and designed by a chartered professional engineer. A building consent is required because the wall is closer to the dwelling than its own height. The construction of a retaining wall on a rural property 3 metres high and 5 metres away from the property boundary, designed by an engineer, but not a chartered professional engineer. Though the retaining wall is not located closer to a legal boundary than its own height, a building consent is required as the wall is not designed by a chartered professional engineer.



¹⁰ Any zone or area (other than a rural residential zone or area) that, in the district plan of the territorial authority in whose district the building work is to be undertaken, is described as a rural zone, rural resource area, rural environment, or by words of similar meaning.

INTERNAL WALLS

Exemption (ca) of Schedule 1

A building consent is not required for the following building work:

- (ca) the construction, *alteration*, or removal of an internal wall (including the construction, *alteration*, or removal of an internal doorway) in any existing building if—
- (i) compliance with the provisions of the building code relating to *structural stability* is not reduced; and
 - (ii) the means of escape from fire provided within the building are not detrimentally affected; and
 - (iii) the wall is not made of units of material (such as brick, burnt clay, concrete, or stone) laid to a bond in and joined together with mortar.

Guidance

This exemption allows owners of buildings to alter, remove or construct certain internal walls.

To qualify, these internal walls cannot adversely affect:

- Structural stability. Many internal walls are non-load bearing. Therefore, altering or removing these walls will not reduce a building's compliance with *structural stability*. However, sometimes internal walls also contain bracing elements, and altering or removing them may adversely affect the *structural stability* of a building. Therefore, alteration or removal of internal walls without a building consent should only be undertaken to non-load bearing walls.
- Means of escape from fire. If building work on the internal wall detrimentally affects the means of escape for occupants from fire, then a building consent will be required. The reason for this limitation is that building new internal walls could make it more difficult for someone to escape from the building in the event of fire.

In addition, the construction, *alteration* and removal of internal masonry walls will still require a building consent. Masonry walls are walls that are made of units held together by mortar, for example brick, concrete block or stone. These walls can be very heavy and, if they are not adequately supported, the consequence of the wall collapsing would be greater than that of a timber-framed wall, particularly for young children.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• An owner of a residential dwelling wishes to remove a small section of internal timber frame wall to accommodate a new kitchen installation. The owner is satisfied (through discussions with a licensed building practitioner) the section of wall is not load-bearing and is not a bracing element. This building work does not require a building consent.• An owner of a commercial property wishes to install a wall to provide privacy to an open area. The owner obtains advice from a technical expert (eg, fire engineer) that the wall does not affect the means of escape from fire, and therefore will not require a building consent.• The owner of a dwelling wishes to erect a non-load bearing partition wall between the kitchen and a dining room.	<ul style="list-style-type: none">• The owner of a building wants to cut a new opening in an existing wall to create an open-plan lobby and reception area. The owner seeks guidance from their local building consent authority (council) and a registered architect. Historic plans are reviewed and the owner discovers the wall is load-bearing. The proposed <i>alteration</i> will affect the <i>structural stability</i> of the wall. Means of escape may also be altered as a result of the proposed work.• An owner of a building wishes to install a door in an internal wall that is not load-bearing. However, the wall is made out of reinforced concrete block, so a building consent is required.• The owner of a residential dwelling wishes to remove part of an internal wall between hallway and kitchen. He seeks advice from a licensed building practitioner (eg, with a carpentry or site licence) who, after a quick visit to the house, informs him that the wall is load-bearing. This work will require a building consent as it will reduce the building's <i>structural stability</i>.

WALLS, FENCES AND HOARDINGS

Exemption (d) of Schedule 1¹¹

A building consent is not required for the following building work:

- (d) the construction or *alteration* of any wall (except a retaining wall or an internal wall), fence (except a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987), or hoarding, in each case of a height not exceeding 2 metres above the *supporting ground*.

Exemption (daa) of Schedule 1

A building consent is not required for the following building work:

- (daa) the construction or *alteration* of any wall (except a retaining wall or an internal wall), fence (except a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987), or hoarding, in each case of a height not exceeding 2.5 metres above the *supporting ground*.

Exterior walls, fences and hoardings up to 2.5 metres high are exempt from the requirement to obtain a building consent. The 2.5 metre height limit should be measured as the vertical distance between the top of the fence and the *supporting ground* directly below.

This is designed to allow, for example, a hoarding around a building site to be constructed using standard 2.4 x 1.2 metre ply sheeting with a 100 mm space underneath. Unlike exemption (a) there are no restrictions with regard to materials or position, provided that the requirements of the Building Code are always met.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• The construction of a 2.0 metre high concrete block wall along a boundary to create a private back yard.• A 2.0 metre high timber paling fence in a back yard to act as a windbreak for a barbeque area.• The installation of a 2.4 metre high hoarding around a construction site to ensure public safety.• A concert organiser puts up 1.8 metre high mesh fencing to prevent concert goers from getting onto the stage.	<ul style="list-style-type: none">• A building owner proposes to erect a 3.5 metre high wire mesh fence around their tennis court, well clear of any boundaries.• A new timber fence with an overall height of 3 metres along the rear boundary.• The owner of a residential dwelling intends to extend a 2.8 metre high concrete block wall alongside a neighbouring boundary.• A building owner proposes to erect a new 1.2 metre high fence around their swimming pool.

Important note

The requirements of the Fencing Act 1978 still need to be complied with for boundary fences and, in many cases council specific, district plans made under the Resource Management Act 1991 may require you to obtain a resource consent for fences over a certain height (usually over 2 metres).

¹¹ Exemption (d), which provides for the lower 2 metre threshold, will be removed from Schedule 1 when an Amendment Act is passed. While regulations can be made to add items to Schedule 1, an Act of Parliament is required to remove items from the Schedule.



DAMS

Exemption (da) of Schedule 1

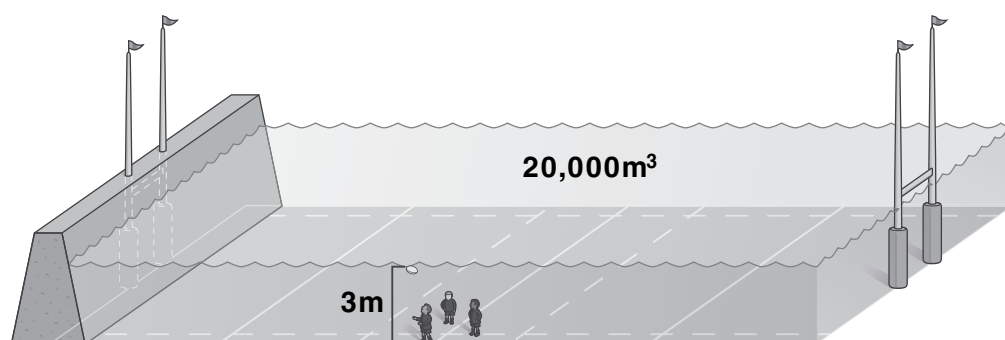
A building consent is not required for the following building work:

(da) the construction or *alteration* of any *dam* that is not a large dam.

Guidance

This exemption allows *dams* that are **not** large dams (as defined in the Building Act and illustrated below) to be constructed without the need to obtain a building consent, although they still need to comply with the Building Code.

A large dam is any artificial barrier that holds back liquid and retains a depth of over 3 metres and a volume greater than 20,000 cubic metres. This is about the capacity of eight Olympic-sized swimming pools, or a rugby field with water 3 metres deep (ie, up to the crossbars of the goalposts).



EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none"> A farmer constructs a water reservoir to provide irrigation to crops. The <i>dam</i> retains a depth of 2.4 metres over an area of 10,000 square metres (approximately 24,000 cubic metres of water). This is exempt work as the retained height is less than 3 metres. 	<ul style="list-style-type: none"> A dam is proposed on a river. The dam will retain water of 10 metres in depth and would flood a large area (over 20,000 cubic metres).



TANKS AND POOLS

Exemption (e) of Schedule 1

A building consent is not required for the following building work:

- (e) the construction or alteration of any tank or pool and any structural support of the tank or pool (except a swimming pool as defined in section 2 of the Fencing of Swimming Pools Act 1987), including any tank or pool that is part of any other building for which a building consent is required,—
 - (i) not exceeding 35 000 litres capacity and supported directly by the ground; or
 - (ia) not exceeding 16 000 litres capacity and supported not more than 0.25 metres above the *supporting ground*; or
 - (ib) not exceeding 8 000 litres capacity and supported not more than 0.5 metres above the *supporting ground*; or
 - (ic) not exceeding 4 000 litres capacity and supported not more than 1 metre above the *supporting ground*; or
 - (ii) not exceeding 2 000 litres capacity and supported not more than 2 metres above the *supporting ground*; or
 - (iia) not exceeding 1 000 litres capacity and supported not more than 3 metres above the *supporting ground*; or
 - (iii) not exceeding 500 litres capacity and supported not more than 4 metres above the *supporting ground*.

Guidance

A building consent is not required for the construction or alteration of any tank or pool or its structural support, as long as requirements are met relating to capacity and height above the ground. This exemption does not include a swimming or spa pool as defined in the Fencing of Swimming Pools Act 1987.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• A rural property owner wishes to install a 20,000 litre pre-cast concrete tank to collect and store rain water from the house roof. It is proposed to place the tank directly on the ground in a corner of the front garden.• A rural homeowner wants to install a 2000 litre water storage tank supported 2 metres above the <i>supporting ground</i>.• The owner of a residential dwelling intends to install a fish pond in his garden with a capacity of 1000 litres of water supported directly by the ground.	<ul style="list-style-type: none">• A rural homeowner wants to install a 1000 litre water storage tank. To improve the water pressure, the owner intends to mount the tank on a steel tank stand designed by a chartered professional engineer. The tank will be supported more than 3 metres above the ground, so a building consent is required.



TENTS AND MARQUEES

Public tents and marquees

Exemption (f) of Schedule 1¹²

A building consent is not required for the following building work:

- (f) the construction, alteration or removal of any tent or marquee that has a floor area not exceeding 50 square metres if that tent or marquee is to be, or has been, used for public assembly for not more than one month.

Exemption (fb) of Schedule 1

A building consent is not required for the following building work:

- (fb) the construction, alteration, or removal of any tent or marquee that has a floor area not exceeding 100 square metres if that tent or marquee is to be, or has been, used for public assembly for a period of not more than 1 month.

Guidance

Exemption (fb) allows for the construction, *alteration* or removal of a tent or marquee that is being used for public assembly, such as at school galas, but only if the tent or marquee floor area does not exceed 100 square metres and is not in place for more than a month.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none"> A tent with a floor area of 100 square metres is erected at a public sports event. The tent is dismantled after three days. The owner of a restaurant puts up a marquee with a floor area of 80 square metres outside his restaurant to cater for extra patrons during a sports event. The marquee is dismantled the next day. A large number of tents and marquees are erected on a sports ground for a 3-day long public wine and food festival. All of the tents and marquees have a floor area less than 100 square metres. A tent is erected for the display of farm animals at a field show over the weekend. The tent has a floor area of 90 square metres. 	<ul style="list-style-type: none"> A marquee with a floor area of 125 square metres is erected for a public function. Although the public function is only for one night, the marquee is over the 100 square metre size limit and will consequently require a building consent. A vineyard erects a marquee with a floor area of 75 square metres for public wine tasting. The vineyard proposes to keep the marquee up for the entire summer (3 months), so a building consent is required. A circus company intends to erect a tent with a floor area of 300 square metres for its show. The tent exceeds the maximum allowable floor area of 100 square metres and will require a building consent.



¹² Exemption (f), which provides for a smaller (50 square metre) floor area, will be removed from Schedule 1 when an Amendment Act is passed. While regulations can be made to add items to Schedule 1, an Act of Parliament is required to remove items from the Schedule.

Exemption (fa) of Schedule 1

A building consent is not required for the following building work:

(fa) the construction, alteration or removal of any tent or marquee that has a floor area not exceeding 100 square metres if that tent or marquee is, or has been, for private use for a period of not more than 1 month.

Guidance

This exemption allows the construction, *alteration* or removal of a tent or marquee that is for private use, such as a wedding reception, as long as the tent or marquee does not exceed 100 square metres and is not in place for more than a month.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• A vineyard has a purpose-built venue that can be hired to cater for private wedding receptions. This venue includes a marquee with a floor area of 98 square metres which is erected and dismantled for each function. The venue is closed to the public during the wedding reception and caters only for those people invited to the reception.• A property owner erects a tent with a floor area of 90 square metres for a private birthday function in his back yard. It will only be there for the Easter weekend (four days).• A tent with a floor area of 50 square metres is erected in a private yard to store catering supplies and equipment and to house the bar service area during a private function. The tent is dismantled the following day.	<ul style="list-style-type: none">• Two 75 square metre marquees are erected and then joined together by an enclosed awning. This causes the size of the joined marquees to go beyond the 100 square metre limit, so a building consent is required.• A café owner proposes to erect a permanent 90 square metre marquee for patrons to use. As the café is always open to the public, this is not private use. It is also intended to remain for longer than one month, so a building consent is required.



PLATFORMS (DECKS)

Exemption (g) of Schedule 1¹³

A building consent is not required for the following building work:

(g) the construction or alteration of any platform, bridge, or the like from which it is not possible for a person to fall more than 1 metre even if it collapses.

Exemption (ga) of Schedule 1

A building consent is not required for the following building work:

(ga) the construction or alteration of any platform, bridge, or the like from which it is not possible for a person to fall more than 1.5 metres even if it collapses.¹³

Guidance

A building consent is not required for decks, balconies, platforms and bridges, and similar structures where it is not possible to fall more than 1.5 metres.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• A low-level deck is constructed to create a level entry to a dwelling. The deck has a maximum height of 50 centimetres above ground level.• A building owner constructs a 50 square metre deck that is attached to two sides of a building. Even if it were to collapse, the fall would be no greater than 1.5 metres.• The owner of a resort intends to build a boardwalk across some rough ground for resort guests to gain easy access to an ornamental garden and play area (also part of the resort). The highest point of the boardwalk is 1.5 metres above the ground. To prevent guests from falling off the boardwalk, a safety barrier is installed along both sides of the boardwalk.	<ul style="list-style-type: none">• A proposed platform is to be constructed in conjunction with other landscaping work. The landscaping work will result in a reduced ground level at the rear exit of the building. The proposed platform will have a finished height above ground of 1.7 metres and so will require a building consent.• The owner of a multi-storey apartment complex intends to provide outdoor decks to the apartments on the upper levels. This work will require a building consent as it is possible for a person to fall more than 1.5 metres.



¹³ Exemption (g), which provides for a lower 1 metre threshold, will be removed from Schedule 1 when an Amendment Act is passed. While regulations can be made to add items to Schedule 1 an Act of Parliament is required to remove items from the Schedule.

Important note

A safety barrier is required under Building Code Clause F4 Safety from Falling where there is a fall of 1 metre or more.

Particular emphasis should also be placed on the weathertightness detailing of such structures. All mechanical connections that penetrate the building envelope and provide support to platforms/decks (eg, nuts, bolts, coach screws etc) must provide adequate resistance against moisture getting into the building.

PLINTHS

Exemption (gb) of Schedule 1

A building consent is not required for the following building work:

(gb) the construction, installation, replacement, or *alteration* of any *plinth* or similar foundation that is or has been—

- (i) used for supporting mechanical plant, a tank, equipment, machinery, or any similar item; and
- (ii) designed by a chartered professional engineer:

Guidance

This exemption recognises that plinths usually involve specific engineering design because of the need to support heavy loads (eg, tanks, mechanical items like printing presses and metal working machines, and other large statues). Where a plinth has been designed by a chartered professional engineer, requiring a building consent would add compliance costs (usually disproportionate to the construction costs) but limited added value in terms of benefit.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• The construction of a plinth designed by a chartered professional engineer for a tank.• A concrete base built to support heavy machinery in a plant room. The base has been designed by a chartered professional engineer.	<ul style="list-style-type: none">• The construction of a reinforced concrete base (not designed by a chartered professional engineer) for a new frost fan in a vineyard.



STALLS

Exemption (gc) of Schedule 1

A building consent is not required for the following building work:

- (gc) the construction, installation, replacement, *alteration*, or removal of a stall, booth, compartment, or similar structure that —
 - (i) does not exceed 100 square metres in floor area; and
 - (ii) is, or has been, for use at a fair, exhibition, or market for not more than 1 month:

Guidance

This exemption recognises the simple construction and temporary nature of stalls used at fairs, exhibitions (eg, trade shows) and market events. Restrictions on maximum floor area were imposed to avoid potential public safety problems.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• Installation of a 75 square metre stall at a trade show for a period of one week.• Installation of a 50 square metre stall at a food market for one day.• The owner of a market stall increases its size from 50 square metres to 70 square metres.• The operator of a fun fair erects a number of booths for a period of 4 weeks. The booths are not physically connected to each other and none of the booths have a floor area greater than 100 square metres.• Following a recent increase in car park users at an exhibition centre, an additional ticket booth is installed in the car park for a period of one week until a more permanent solution can be found. The floor area of the booth is 6 square metres.	<ul style="list-style-type: none">• Construction of an 80 square metre booth at a fun fair where the booth will be used for more than one month.• Installation of a 50 square metre stall at an exposition for a period of 3 months.• Construction of a 125 square metre stall at a wine and food festival.



TEMPORARY STORAGE

Exemption (h) of Schedule 1

A building consent is not required for the following building work:

(h) the construction or *alteration* of any *temporary* storage stack of goods or materials.

Guidance

This exemption allows the construction of any *temporary* storage stack of goods or materials. Temporary means lasting for only a limited period (eg, during the construction period of a building project, or the storage and stacking of goods while re-locating).

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• A construction firm is moving location to partly completed new premises. It erects a <i>temporary</i> timber storage stack on its new site. When complete, the new premises will contain a new timber storage area and the temporary storage stack will be removed.• The construction of a stack of metal roofing materials on a timber base to keep the material up off the ground prior to use in the construction of a new building.	<ul style="list-style-type: none">• A joinery factory constructs a 4 metre high racking system to store materials for use in the manufacture of aluminium windows. The intention is that the racking system is to be used indefinitely. This work would not be considered temporary, so will require a building consent.• An owner of a supermarket wishes to extend the racking systems they use to store food. This would require a consent as this would be a permanent storage of goods and would not be considered temporary.



DETACHED BUILDINGS

Exemption (i) of Schedule 1

A building consent is not required for the following building work:

- (i) building work in connection with any detached building (except a building that is required to be licensed in terms of the Hazardous Substances and New Organisms Act 1996 or a building closer than its own height to any residential accommodation or to any legal boundary) that—
 - (i) houses fixed plant or machinery, the only normal visits to which are intermittent visits for routine inspection and maintenance of that plant or machinery; or
 - (ii) into which, or into the immediate vicinity of which, people cannot or do not normally go; or
 - (iii) is used only by people engaged in the construction or maintenance of another building for which a building consent is required; or
 - (iv) does not exceed 1 storey, does not exceed 10 square metres in floor area, and does not contain sanitary facilities or facilities for the storage of potable water, but may contain sleeping accommodation (without cooking facilities) if the detached building is used in connection with a dwelling.

Guidance

This exemption covers specific types of buildings that would not normally pose a risk to people, or that are used only by people engaged in the construction or maintenance of another consented building (eg, construction site offices). It also covers the construction of small buildings such as garden sheds, cabins or sleep-outs. Where sleeping accommodation is provided, the facilities of the existing dwelling must be readily available and used for sanitation. In addition, where sleeping accommodation is provided, no cooking facilities are allowed (ie, to help limit the risk of fire).

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• An industrial complex installs a large, new compressor, which needs to be protected from the weather. A 3 metre high building structure with a 15 square metre floor area is constructed, 7 metres from the closest boundary, to house the compressor. The compressor only requires maintenance checks once a month.• A purpose-built, relocatable, two-storey construction site office with a 36 square metre floor area is placed on a commercial building site. It is located 8 metres from the nearest boundary and will be used only by people engaged in the construction of the building over a two-year period.• A 9 square metre sleep-out is constructed in the backyard of a residential dwelling. It is more than its own height away from all boundaries and the associated residential dwelling, and does not contain cooking or sanitary facilities, or a potable water supply.	<ul style="list-style-type: none">• A rural land owner decides to erect a 10 square metre sleep-out on a property that does not have a residential dwelling on it. This sleep-out would require a building consent.• A building owner erects a kit-set garden shed that is 2 metres high. It is located 1 metre from the boundary. This garden shed would require a building consent as it is closer than its own height to the boundary.• An industrial site owner proposes to construct a 10 square metre storage building. The building will contain chemicals that require the building to be licensed under the Hazardous Substances and New Organisms Act 1996, so a building consent is required.• A farmer wants to erect a 40 square metre farm shed to store hay.

Important note

Smoke alarms must be installed in **all** sleeping areas.



VERANDAS, PATIOS, PORCHES AND AWNINGS

Closing in verandas or patios

Exemption (j) of Schedule 1

A building consent is not required for the following building work:

- (j) building work in connection with the closing in of an existing *veranda*, *patio*, or the like so as to provide an enclosed porch, conservatory, or the like with a floor area not exceeding 5 square metres.

Guidance

This exemption allows the closing in of an existing *veranda*, patio or similar structure in order to convert an area into enclosed spaces (for example, a conservatory).

The size of such enclosed spaces must not exceed 5 square metres.

Please note that this exemption does not relieve the owner of any other requirements under the Resource Management Act 1991 such as any local district plan rules and provisions.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• An existing <i>patio</i> measures 4.5 square metres in area and the building owner wishes to enclose (with glazed windows) the patio for greater protection against the weather.• A pole foundation house has an entry consisting of stairs and a landing. The stairs and landing are 1 metre wide and 4 metres long. The owner wishes to enclose the stairs and landing to provide protection against the weather.• The owner of a residential villa wishes to partly enclose an existing <i>veranda</i> on the ground floor to create a conservatory. The completed conservatory will have a floor area of 5 square metres.	<ul style="list-style-type: none">• A building owner wants to change an existing <i>veranda</i> into an enclosed conservatory. The veranda floor area is 15 square metres in total. As the owner wishes to enclose an area greater than 5 square metres, a building consent is required.• An existing <i>veranda</i> is to be enclosed and converted into a spare bedroom. This work requires a consent as the proposed use of a bedroom cannot be considered similar to a porch or conservatory.



Awnings

Exemption (ja) of Schedule 1¹⁴

A building consent is not required for the following building work:

- (ja) the construction, *alteration*, or removal of any fabric, glass, or metal *awning* on any building that—
- (i) is on the ground or first storey level; and
 - (ii) does not exceed 15 square metres in size.

Exemption (jab) of Schedule 1

A building consent is not required for the following building work:

- (jab) the construction, *alteration*, or removal of any fabric, glass, or metal awning on any building if the *awning*—
- (i) is on the ground or first storey level; and
 - (ii) does not exceed 20 square metres in size.

Guidance

This exemption relates to *awnings* that are currently attached or are to be attached to a building's external envelope or exterior surfaces. *Awnings* may be constructed, altered or removed. Particular emphasis should be placed on the weathertightness detailing of such structures. All mechanical connections that penetrate the building envelope and provide support to *awnings* (eg, nuts, bolts, coach screws) must provide adequate resistance against moisture penetrating the building.

The size of exempted *awnings* has been limited because larger *awnings* are more likely to cause damage to the buildings they are attached to or to adjacent property if they fail due to high winds. Such failure is also more likely to cause injury to people. *Awnings* larger than 20 square metres require a building consent.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">An <i>awning</i> is to be attached above a deck at first storey level of a dwelling. The proposed awning has a total area of 20 square metres and meets all Building Code requirements.The removal of an existing 12 square metre <i>awning</i> providing shade at the entry to an office building (situated at the top of a ramp at the first storey level).The owner of a retail shop installs an <i>awning</i> above the shop entrance on the ground floor. The <i>awning</i> has a size of 8 square metres.	<ul style="list-style-type: none">A glass <i>awning</i> is to be fitted to an apartment on the sixth storey of the building. Though the <i>awning</i> only has a total area of 18 square metres, it is not exempt because it is above the first storey level.The owner of a dwelling intends to install a fabric awning above an existing deck on the ground floor. The size of the <i>awning</i> is 30 square metres.

¹⁴ Exemption (ja), which provides for a smaller size, will be removed from Schedule 1 when an Amendment Act is passed. While regulations can be made to add items to Schedule 1 an Act of Parliament is required to remove items from the Schedule.



Verandas and porches

Exemption (jc) of Schedule 1¹⁵

A building consent is not required for the following building work:

- (jc) the construction, *alteration*, or removal of a *porch* or *veranda* on any building where that *porch* or *veranda*—
 - (i) is on the ground or first storey level; and
 - (ii) is over a deck or a *patio*; and
 - (iii) does not exceed 15 square metres in size.

Exemption (jd) of Schedule 1

A building consent is not required for the following building work:

- (jd) the construction, *alteration*, or removal of a *porch* or *verandah* on any building, if the *porch* or *verandah*—
 - (i) is on the ground or first storey level; and
 - (ii) is over a deck or a *patio*; and
 - (iii) does not exceed 20 square metres in size.

¹⁵ Exemption (jc) which provides for a smaller floor area will be removed from Schedule 1 when an Amendment Act is passed. While regulations can be made to add items to Schedule 1 an Act of Parliament is required to remove items from the Schedule.

Guidance

Porches are roofed structures, often with sides but open at the front, and project from the face of a building. They are often used to protect an entrance to a building and provide shelter. A *veranda* is typically a long *porch* and can extend along the full length or more than one side of a building. *Porches* and *verandas* are usually made from permanent materials and extend over raised decks or *patios*.

This exemption only covers *porches* and *verandas* up to 20 square metres in size that are located on ground or first storey levels.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• A building owner wishes to remove an existing <i>porch</i> from the entry to a dwelling. The <i>porch</i> is 20 square metres in size.• A first floor apartment owner wishes to increase the area of her existing <i>veranda</i> over a deck from 10 to 20 square metres.• The owner of an old villa intends to increase an existing <i>veranda</i> from 15 square metres to 20 square metres.	<ul style="list-style-type: none">• An existing <i>veranda</i> measures 10 square metres and the owner wishes to increase its size to 25 square metres. The existing structure may remain, but as the additional work increases the size beyond 20 square metres, a building consent is required.• The owners of a fourth storey flat wish to build a <i>veranda</i>. This requires a building consent, as it is above the first storey of the building.



PERGOLAS

Exemption (jb) of Schedule 1

A building consent is not required for the following building work:
(jb) the construction, *alteration*, or removal of a *pergola*.

Guidance

Pergolas are simple, low risk, framed unroofed structures and are often used as garden features. For the purposes of this exemption, *pergolas* may be either attached to a building or free-standing and there is no size limit. They must however not be roofed.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• An owner purchases a kit-set for a 26 square metre <i>pergola</i>, 2.4 metres in height.• A vineyard constructs a 100 square metre, 5 metre high <i>pergola</i>, designed by a chartered professional engineer, for wedding receptions.• A 10 square metre <i>pergola</i> is attached to a residential dwelling above a deck outside a set of French doors off the living room.• A 3 metre wide decorative <i>pergola</i> is installed above the full length of a 250 metre long pathway in a public park.	<ul style="list-style-type: none">• An owner wishes to alter a 28 square metre <i>pergola</i> attached to her house by fitting clear, poly carbonate roofing material to the structure. As a result, the <i>pergola</i> has become a <i>veranda</i> and, as it is greater than 20 square metres, it will require a building consent.• A garden centre wants to erect several pergolas that are covered in plastic sheeting to provide shelter for their customers in the outside courtyard. The addition of the plastic covering to form a closed roof means that the structures are no longer pergolas for the purpose of this exemption and a building consent is required.



SHADE SAILS

Exemption (je) of Schedule 1

A building consent is not required for the following building work:

- (je) the construction, installation, replacement, *alteration*, or removal of any *shade sail* made of fabric or other similar lightweight *material*, and any associated structural support, if the *shade sail*—
 - (i) does not exceed 50 square metres in size; and
 - (ii) is not closer than 1 metre to any legal boundary; and
 - (iii) is on the ground level, or, if on a building, on the ground or first-storey level of the building.

Guidance

Shade sails, usually fabric, can be attached to the exterior of a building or be free-standing with their own support structures (eg, to cover a deck, *patio* or children's play equipment as protection from sun or as a wind buffer).

This exemption recognises the relatively simple, low-risk nature of such structures. While there may be significant wind loadings (and this should be carefully considered during the design and assembly phase), apart from erecting and making connections to structural supports, there is very little building work involved in the construction or installation of *shade sails*. The compliance costs associated with consenting such structures can often be disproportionate to overall construction costs, and given the simplicity of most of these structures adds limited value to the building process and safety objective.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none"> A <i>shade sail</i> is to be installed above a deck at first storey level of a dwelling in the middle of a large rural property. The proposed <i>shade sail</i> has a total area of 20 square metres, and meets all Building Code requirements. A <i>shade sail</i> is to be erected above a sandpit at a childcare centre. The proposed <i>shade sail</i> has a total area of 42 square metres, and is two metres away from the nearest boundary. A number of shade sails, 12 square metres in size, are to be erected in a public park. The owner of a café decides to install several shade sails 9 square metres in size in an outdoor courtyard to provide protection from the sun for the customers. An old <i>shade sail</i> 20 square metres in size above a <i>patio</i> on the ground level is replaced with a <i>shade sail</i> 30 square metres in size. 	<ul style="list-style-type: none"> A <i>shade sail</i> with an area of 30 square metres is to be installed above a balcony on the fifth floor of an apartment block. A <i>shade sail</i> is to be erected above a play area at a kindergarten. The proposed shade sail has a total area of 50 square metres, but is located on the boundary. A <i>shade sail</i> with an area of 60 square metres is to be installed above an open courtyard at a shopping complex to provide shelter for customers.

Important note

Where *shade sails* are attached to the exterior of a building, particular emphasis should be placed on weathertightness detailing. All mechanical connections which penetrate the building envelope and provide support to *shade sails* (eg, nuts, bolts, coach screws) must provide adequate resistance against moisture getting into the building.



CARPORTS

Exemption (jf) of Schedule 1

A building consent is not required for the following building work:

(jf) the construction, installation, replacement, *alteration*, or removal of a *carport* that does not exceed 20 square metres in size and is on the ground level.

Guidance

This exemption provides for a simple roofed structure that will be used for motor vehicle storage. To be regarded as a *carport*, as opposed to a garage, at least one side must remain open to the outdoors at all times.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">Construction of a new, lean-to <i>carport</i> attached to an existing dwelling on the ground level, with a floor area of 20 square metres, and three open sides.Construction of a 15 square metre free-standing <i>carport</i> which has no walls on the ground level.The owner of an old wooden <i>carport</i> 15 square metres in size wants to replace it with a new 20 square metre galvanised steel <i>carport</i>.	<ul style="list-style-type: none">Construction of a new (double) <i>carport</i> with a floor area of 35 square metres.

Important note

Always consider spread of fire Building Code requirements and protection of other property when building close to boundaries.

INSTALLING THERMAL INSULATION IN AN EXISTING BUILDING

Exemption (jg) of Schedule 1

A building consent is not required for the following building work:

- (jg) the installation of thermal insulation in an existing building other than in—
 - (i) an external wall of the building; or
 - (ii) an internal wall of the building that is a fire separation wall (also known as a firewall).

Guidance

This exemption does not cover installation of thermal insulation in an external wall of a building, this may have weathertightness implications. Installing insulation in internal walls that provide fire separation is also not covered, as the installation could adversely affect the fire safety properties of the building.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• A house is being retrofitted with polystyrene insulation under the floor and fibreglass insulation to the ceiling.• An existing apartment building is being retrofitted with fibreglass insulation to the internal, non-fire-rated walls for additional noise control.	<ul style="list-style-type: none">• The external walls of a house are to be injected with expanding insulating foam.• A fire-rated tenancy wall to an apartment is to be retrofitted with thermal insulation.

PENETRATIONS WITH A MAXIMUM DIAMETER OF 30 CENTIMETRES GUIDANCE

Exemption (jh) of Schedule 1

A building consent is not required for the following building work:

- (jh) the making of a penetration no greater than 30 centimetres in diameter to enable the passage of pipes, cables, ducts, wires, hoses, and the like through any existing building and any associated building work, such as weatherproofing, fireproofing, or sealing the penetration.

This exemption is to enable penetrations of a limited size (maximum diameter of 300 mm) to be made through both internal and external building components without a building consent. Such penetrations are typically necessary for the installation of items such as heatpumps, home ventilation systems, extractor fans and a wide range of other building services where wiring, pipes, cables and the like must pass through a building.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• Installation of a heat pump where the diameter of penetrations for wiring and pipework associated with the installation is approximately 100 mm.• Installation of an extractor fan above a cooking stove, which is vented through the roof with a 200 mm diameter flue.• An extractor fan in a bathroom is vented through the external wall via a duct and the opening in the wall is less than 300 mm in diameter.• Installing a CCTV surveillance system requiring several 50 mm penetrations through an external wall of a dwelling.• Fitting a security alarm box and associated cabling to a building's external envelope requiring a 20 mm hole to be drilled and sealed.• Cutting and sealing a hole in a metal long-run roof to fit a plumbing vent pipe 60 mm in size.	<ul style="list-style-type: none">• An extractor fan in a commercial kitchen is vented through the external wall via a duct and the opening in the wall is over 300 mm in diameter.• Installation of an extract fan above a cooking stove in a commercial kitchen, which is vented through the roof with a 400 mm diameter flue.

Important note

Because this exemption allows penetrations through fire-rated walls it is very important to seek professional advice and ensure the person carrying out the work is competent to do so, (ie, they understand the fire-rating requirements).



PLAYGROUND EQUIPMENT

Exemption (ji) of Schedule 1

A building consent is not required for the following building work:

- (ji) the construction, installation, replacement, or *alteration* of playground equipment, if—
 - (i) the work is for a government department, Crown entity, licensed early childhood centre, or territorial or regional authority, and the playground equipment has been designed by a chartered professional engineer; or
 - (ii) the playground equipment is for use by a single household and no part of the equipment exceeds 3 metres in height above the *supporting ground level*.

Guidance

This exemption recognises that the building consent process would add disproportionately high compliance costs and limited value:

- where playground equipment designed by a chartered professional engineer is under the control of certain public or licensed organisations that already have strong incentives to operate systems to ensure public safety concerns are well managed, and
- if applied to private playground equipment that is routinely installed throughout New Zealand, including both proprietary designs (many of which may be covered by other safety standards) and DIY structures such as small playhouses or tree huts – particularly where the risk of a fall from a great height (ie, more than 3 metres) does not exist.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none"> • New playground equipment, designed by a chartered professional engineer, in an existing or new, licensed childcare centre. • Owners of a residential dwelling intend to install a playhouse and slide in their garden for their four year old child. The highest part of the equipment is less than 3 metres above the supporting ground. • A primary school installs new playground equipment designed by a chartered professional engineer. 	<ul style="list-style-type: none"> • New playground equipment at an existing childcare centre designed by an architectural designer or architect and not by a chartered professional engineer. • Owners of a residential dwelling intend to install a swing and slide in their garden for their children. The top of the swing set and the platform giving access to the slide (which is also fitted with 1 metre high safety barriers) is 3.5 metres above the <i>supporting ground</i> and therefore requires a consent.



Important note

The Department considers design verification by a chartered professional engineer of Building Code compliance in the form of a peer review constitutes design for the purposes of this exemption.

TERRITORIAL AUTHORITY DISCRETIONARY EXEMPTIONS GUIDANCE

Exemption (k) of Schedule 1

A building consent is not required for the following building work:

- (k) any other building work in respect of which the territorial authority (or, as the case requires, the regional authority) considers that a building consent is not necessary for the purposes of this Act because that building work—
 - (i) is unlikely to be carried out otherwise than in accordance with the building code; or
 - (ii) if carried out otherwise than in accordance with the building code, is unlikely to endanger people or any building, whether on the same land or on other property.

This exemption allows a territorial authority (city or district council) or regional authority (regional council) to exempt proposed building work from the requirement to obtain a building consent in the circumstances specified. The decision to allow any exemption under this part of Schedule 1 is totally at the council's discretion, based on the council's own assessment of the risk of building work not being carried out in accordance with the Building Code or of endangering people or property.

Local councils should have formal policies, systems and procedures for receiving and processing such exemption requests, including for making decisions under exemption (k).

The Department suggests that matters that could be taken into account might include:

- any substantial prior demonstration of competence in undertaking similar work by the people who will carry out the work (eg, history of previous work in the authority's district and/or current registration as a licensed building practitioner (relevant licence class), chartered professional engineer, registered architect, certifying plumber or drainlayer, etc)
- the complexity of the work relative to the competence of the people who will carry out the work (eg, work undertaken by a licensed building practitioner (with a relevant licence class) as opposed to an unlicensed builder)
- any independent quality assurance systems or other checks and balances that will be applied in the course of the work.

Note: Occupational licensing aims to help ensure people in the building industry who are undertaking building work are competent to do so and accountable for their work, so that homes and buildings are designed and built right the first time.

The Department also suggests that in determining the likelihood of endangerment, matters that should be taken into account could include:

- the location of the building work (eg, high density urban versus remote rural)
- the proximity of the building work to the property boundary and/or other buildings.

The Australian/New Zealand Standard, AS/NZS 1170: Structural Design Actions – Part 0: 2002 General Principles, provides some further criteria that may assist councils' when considering exemption proposals. The Standard provides for five different levels of building 'importance', with level 1 being the least important and level 2 being regarded as a 'normal' level of importance.

Examples of level 1 buildings in AS/NZS 1170 are:

- structures with a total floor area of less than 30 square metres
- farm buildings, isolated structures, towers in rural situations
- fences, masts and walls.

The Standard indicates that level 1 buildings present a ‘much lower than normal risk to life and property’ (ie, failure is not likely to endanger human life and there would only be small or moderate economic, social or environmental consequences). The Standard also notes that such buildings will usually be ‘almost expendable’, minor, isolated, non-habitable, and not required as part of normal utility infrastructure (eg, not having reticulated potable water and wastewater services).

The Department considers the description of level 1 buildings in the Standard appropriate in terms of what should be considered as qualifying for an exemption under paragraph (k) of Schedule 1 to the Building Act 2004. Councils may also find it helpful to develop clear parameters to illustrate what they consider should be regarded as small or moderate economic consequences. For example, in the event of a failure of a domestic building, assuming a median net annual household income from all sources of around \$48,000:

- ‘small economic consequences’ might be less than \$5000–\$10,000 (ie, roughly 10–20 percent of the net annual income, and
- ‘moderate economic consequences’ might be up to \$25,000 (ie, 50 percent of the net annual income).

In the case of a commercial enterprise (including farms), much greater amounts could probably be seen as ‘small’ and ‘moderate’.

In all cases, the Department recommends that the decision, reason for the decision and the outcome of the decision be recorded by the local council and placed on the property file that relates to the building work.

Important note

Territorial authorities (city and district councils) are able to seek payment for the provision of advice and information on exempt building work.

DEMOLITION OF A DETACHED DAMAGED BUILDING

Exemption (I) of Schedule 1

A building consent is not required for the following building work:

- (I) the demolition of all or part of a damaged building that is detached (stand-alone) and is no more than 3 storeys high.

Guidance

The Department suggests that when considering demolishing an existing building under this exemption, matters that the homeowner should take into account include:

- the termination of services such as water, sewer, and stormwater, capped and sealed inside the boundary (you will need to contact the relevant service authorities as follows to advise them of the extent of your work: electricity, gas, drainage, water, transport, telecommunications, cable television or any other services that may be affected)
- handling and disposal of hazardous building materials
- means to control silt or water run-off, excess noise and dust generated from demolition work
- means to secure the site (eg, temporary fence, hoardings) to restrict public access to the construction area. To avoid injury to members of the public.

Whilst one of the objectives behind this exemption was to accommodate the need to demolish damaged buildings or parts of buildings after a natural disaster (eg, earthquake or flood, the extent and/or cause of the damage is irrelevant when considering whether the proposed demolition work is exempt).

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• Following a flood, the owner decides to demolish the severely damaged two-storey, detached family home.• The new owner of an old, wooden, single storey, detached holiday home plans to demolish it to make way for a new contemporary holiday home.	<ul style="list-style-type: none">• Following an earthquake, a shop owner decides to demolish his shop, which is attached to another building that is not damaged. This work requires a building consent because it is not on a detached building.• To make way for a new apartment block, the owner of an old, dilapidated four-storey commercial building decides to demolish it. This work requires a building consent because it is over the three-storey limitation on this exemption.

Important note

The homeowner should check council requirements for the repair and reinstatement of any damage to the road reserve.

Skilled and professional practitioners should be used for major demolition work.

No demolition work should be undertaken on heritage or character buildings without first checking with your local council for their approval, and other's approval.

REPAIR OR REPLACEMENT OF A DAMAGED OUTBUILDING

Exemption (m) of Schedule 1

A building consent is not required for the following building work:

- (m) the repair or replacement of all or part of a damaged *outbuilding*, if—
 - (i) the repair or replacement is made within the same area that the *outbuilding* or the original *outbuilding* (as the case may require) occupied ; and
 - (ii) in the case of any replacement, the replacement is made with a comparable *outbuilding* or part of an *outbuilding*.

Guidance

This exemption provides for outbuildings (as classified under Clause A1 of the Building Code) that are not intended for human habitation, and includes buildings such as a carport, garage, shed, public toilet, farm building, etc.

Whilst this exemption was inspired by the 2010 Canterbury earthquake, and the need it created to address damaged buildings, the extent and/or cause of the damage is irrelevant when considering whether the proposed repair or replacement is exempt.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">• A garage wall is severely damaged by a large vehicle backing into it. The owner decides to replace the garage wall in the same position using the same materials.• A farmer decides to replace an old storm-damaged, corrugated iron clad storage shed with a new shed in the same position and of the same size and with a long-run steel roofing and timber weatherboard wall cladding.• The owner of an old concrete block garage which has part of its roof missing following an earthquake demolishes the garage and replaces it in the same position with a new, prefabricated timber frame garage with pre-finished steel exterior cladding.	<ul style="list-style-type: none">• The owner of a commercial garage decides to replace an old damaged wooden garage 50 square metres in size with a new 65 square metre galvanised steel garage. Doing so would require a building consent because its replacement is going to be large in footprint size.• Following a severe storm, a farmer plans to replace a large damaged farm shed by relocating part of it to the other side of his property and adding a new extension to the shed.

Important note

Always check with your local council when replacing damaged outbuildings, to ensure doing so doesn't have any district planning implications. A resource consent might be required and it's important to obtain this, where required, prior to commencing any building work.

Always consider spread of fire Building Code requirements and protection of other property when building close to boundaries.

REMOVAL OF SIGN, RETAINING WALL, PLINTH OR PLAYGROUND EQUIPMENT

Exemption (n) of Schedule 1

A building consent is not required for the following building work:

- (n) the removal of any—
 - (i) sign and any structural support of the sign ; or
 - (ii) retaining wall; or
 - (iii) plinth or similar foundation; or
 - (iv) playground equipment.

Guidance

This exemption was introduced to provide for the removal of signs, retaining walls, plinths or playground equipment, as their removal is not included in their respective exemptions (ba), (c), (db), (gb), and (ji).

EXAMPLES WHERE THIS EXEMPTION COULD APPLY	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none">Removal of a 75 square metre billboard/sign from the side of a multi-storey apartment building.Removal of a retaining wall to make way for constructing a new garage.Following the purchase of a property, the new owner decides to remove a high tree house constructed by the previous owner.	<ul style="list-style-type: none">Where the removal of a retaining wall would undermine the structural stability of other structures it supports (eg, a driveway or building), a building consent will be required. This is due to other significant issues the building consent authority has to consider such as the stability of the land or the structure the wall is supporting.

Glossary of Terms

Alteration: In relation to a building, includes to rebuild, re-erect, repair, enlarge and extend the building. (Refer to section 7 of the Building Act 2004.)

Assembly: A complete unit consisting of assembled components.

Awning: A roof-like cover, usually made of fabric or similar lightweight material on a frame, often used to shelter a window, door or the side of a building.

Canopy: Projecting hood supported on brackets, corbels or columns over a door, window or niche.¹⁶

Carport: A roofed structure for motor vehicle storage, with at least one side fully open to the outdoors.

Comparable materials: Materials with similar properties and configuration and whose performance in terms of the Building Code is equivalent to or as good as the originals.

Component: A part of an assembly.

Culvert: A drainpipe often made out of concrete, which is placed in rivers and streams to enable people, traffic or stock to cross safely and easily.

Dam: Means an artificial barrier, and its appurtenant structures, that—

- (i) is constructed to hold back water or other fluid under constant pressure so as to form a reservoir; and
- (ii) is used for the storage, control, or diversion of water or other fluid; and includes—
 - a flood control dam; and
 - a natural feature that has been significantly modified to function as a dam; and
 - a canal; but
- (a) does not include a stopbank designed to control floodwaters.

(Refer to section 7 of the Building Act 2004.)

Finishes: Coatings and paints used to protect the surface of a particular material.

Height restriction gantry: Overhead structure that restricts vehicles from passing underneath, such as in a car park or underpass.

Hoarding: A structure alongside a public way providing side protection but no overhead protection.¹⁷

Lawful repair: Repairs that comply with the Building Code and other relevant legislation (eg, Resource Management Act).

Lightweight material: Thin, flexible fabric material such as canvas, shade mesh or vinyl.

Linings: The rigid sheet covering for a wall, ceiling, floor or interior surface.

Maintenance: Lawful repair using comparable materials in the same position to replace something that wore out through normal wear and tear.

Network Utility Operator or NUO: Network utility operator (NUO) means a person who—

- (a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or
- (b) operates or proposes to operate a network for the purpose of—
 - (i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or
 - (ii) radiocommunications as defined in section 2(1) of the Radiocommunications Act 1989; or
- (c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
- (d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- (e) undertakes or proposes to undertake a drainage or sewerage system.

(Refer to section 7 of the Building Act 2004.)

¹⁶ From NZMP 4212:1998 Glossary of Building Terms.

¹⁷ Definition from F5/AS1.

Open-vented water storage heater: A water heater incorporating a vent pipe which is permanently open to the atmosphere.

Outbuilding: A building classified as an outbuilding under Clause A1 of the Building Code such as a carport, garage, shed, public toilet or farm building.

Patio: A roofless, paved outdoor area adjoining a building.

Pergola: An exterior, decorative, open-framed structure often to support climbing or trailing plants.

Playground equipment: Equipment and structures with, or on which children can play.

Plinth: A supporting base.

Porch: Projecting or recessed covered space at the entrance to a building or structure.¹⁸

Rodding point: A removable cap at ground level through which access may be made for cleaning and inspecting the drainage system.

Rural zone: Any zone or area (other than a rural residential zone or area) that, in the district plan of the territorial authority in whose district the building work is to be undertaken, is described as a rural zone, rural resource area, rural environment, or by words of similar.

Shade sail: Fabric or similar lightweight material extended over an outdoor area to provide shelter or protection from direct sunlight.

Sign: A structure, including any structural support, for the purpose of conveying information or an instruction.

Solid-fuel heater: Solid fuel-burning appliance such as a wood burner.

Stall: A temporary structure erected by merchants to display and/or shelter their merchandise or products.

Stopbank: Structures built along water courses such as rivers or streams to prevent the surrounding land from flooding.

Structural stability: The ability to withstand the combination of loads that a building can experience.

Supplementary heat exchanger: A device built for efficient heat transfer from one medium to another.

Supporting ground: Ground that is bearing all or part of the loads from building work.

Surcharge: A load imposed by adjacent activities (eg, vehicle movement, parking or storage stacks), buildings or structures.

Temporary: Intended to last or to be maintained in place for only a limited, relatively short, period of time. While each instance will need to be assessed individually, any period longer than one year should generally not be considered as temporary.

Veranda: A roofed space extending from a building.¹⁹

Water storage heater: A water tank with an integral water heater for the storage of hot water.

Wet area shower: The floor of a wet area or level-entry shower is a continuation of the floor of the bathroom, rather than a separate raised shower tray or cubicle.

¹⁸ From NZMP 4212:1998 Glossary of Building Terms.

¹⁹ From NZMP 4212:1998 Glossary of Building Terms.

Further information

For further information and advice on exempt building work including whether a specific building project is exempt or not, refer to the following:

Websites that provide further information

- www.dbh.govt.nz
- www.consumerbuild.org.nz/publish/
- your local council's website

Other professional advice could be sought from:

- a registered architect
- a chartered professional engineer
- a licensed building practitioner (relevant licence class)
- a registered building surveyor
- a building consultant
- a building consent authority within your local (district or city) council
- a solicitor.



This document's status

This document is intended as a general guide to Section 41 and Schedule 1 of the Building Act and should be read in association with the Act. While the Department has taken every care in preparing this document, it should not be solely relied upon for establishing whether any given building work requires a building consent or whether the exemptions in Schedule 1 apply. In each specific situation it may be necessary to seek independent technical and /or legal advice.

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