

GUIDANCE

Building work that does not require a building consent

Building Act 2004





**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI

Ministry of Business, Innovation and Employment (MBIE)

Hikina Whakatutuki Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

MBIE combines the former Ministries of Economic Development, Science and Innovation, and the Departments of Labour and Building and Housing.

This document's status

Third edition 2014

ISBN 978-0-478-41705-0 (Online)

Published March 2014

Ministry of Business, Innovation and Employment
PO Box 10-729, Wellington, New Zealand.

This document is issued as guidance under section 175 of the Building Act 2004. While the Ministry has taken care in preparing the document it should not be relied upon as establishing compliance with all relevant clauses of the Building Act or Building Code in all cases that may arise. The Document may be updated from time to time and the latest version is available from the Ministry's website at www.dbh.govt.nz.

© Crown Copyright 2014

The material contained in this report is subject to Crown copyright protection unless otherwise indicated. The Crown copyright protected material may be reproduced free of charge in any format or media without requiring specific permission. This is subject to the material being reproduced accurately and not being used in a derogatory manner or in a misleading context. Where the material is being published or issued to others, the source and copyright status should be acknowledged. The permission to reproduce Crown copyright protected material does not extend to any material in this report that is identified as being the copyright of a third party. Authorisation to reproduce such material should be obtained from the copyright holders.

Contents

Introduction	1
Purpose	1
What's new	1
How to use this guide	2
Context for exempt work	3
Ask for advice	4
Exempt building work: what the law says	5
When building consent is not required (section 41)	5
Conditions and limits on exempt work under Schedule 1 (section 42A)	7
Who can carry out exempt work	8
General conditions on exempt work	8
Schedule 1 exempt work	11
Part 1: Exempted building work	14
General	15
1. General repair, maintenance, and replacement	15
2. Territorial and regional authority discretionary exemptions	19
3. Single-storey detached buildings not exceeding 10 square metres in floor area	22
4. Unoccupied detached buildings	25
5. Tents, marquees, and similar lightweight structures	27
6. Pergolas	29
7. Repair or replacement of outbuilding	31
Existing buildings: additions and alterations	33
8. Windows and exterior doorways in existing dwellings and outbuildings	33
9. Alteration to existing entrance or internal doorway to facilitate access for persons with disabilities	36
10. Interior alterations to existing non-residential building	38
11. Internal walls and doorways in existing building	40
12. Internal linings and finishes in existing dwelling	42
13. Thermal insulation	44
14. Penetrations	45

15. Closing in existing veranda or patio	48
16. Awnings	49
17. Porches and verandas	50
18. Carports	52
19. Shade sails	54
Other structures.....	56
20. Retaining walls	56
21. Fences and hoardings	60
22. Dams (excluding large dams).....	62
23. Tanks and pools (excluding swimming pools)	64
24. Decks, platforms, bridges, boardwalks, etc	66
25. Signs	68
26. Height-restriction gantries.....	70
27. Temporary storage stacks	71
28. Private household playground equipment	72
Network utility operators or other similar organisations	73
29. Certain structures owned or controlled by network utility operators or other similar organisations	73
Demolition.....	75
30. Demolition of detached building	75
31. Removal of building element.....	77
<hr/>	
Part 2: Sanitary plumbing and drainlaying carried out by person authorised under Plumbers, Gasfitters, and Drainlayers Act 2006	79
<hr/>	
Plumbing and drainage	80
32. Repair, maintenance, and replacement	80
33. Drainage access points	82
34. Minor alteration to drains	83
35. Alteration to existing sanitary plumbing (excluding water heaters).....	85
Water heaters	88
36. Repair and maintenance of existing water heater	88
37. Replacement of open-vented water storage heater connected to supplementary heat exchanger.....	89
38. Replacement or repositioning of water heater that is connected to, or incorporates, controlled heat source.....	91

Part 3: Building work for which design is carried out or reviewed by chartered professional engineer **94**

39. Signs	95
40. Plinths	96
41. Retaining walls	97
42. Certain public playground equipment	99
43. Removal of sign, plinth, retaining wall, or public playground equipment	100

Further information **101**

Links to earlier legislation	101
Useful links	102
Map to previous Schedule 1 clauses	102

Glossary **105**

Introduction

Purpose

This is a guide to building work which does not require a building consent under the *Building Act 2004* (the Building Act). It concentrates on the list of exemptions contained in Schedule 1 of the Building Act.

This guide is mainly for building owners and practitioners who are planning to carry out or provide advice on any building work.

It will also be of interest to regional and territorial authorities, who can use their discretion under Schedule 1 [exemption 2](#) to exempt any building work from requiring a building consent.

What's new

Schedule 1 was amended on 28 November 2013 by the *Building Amendment Act 2013* with the intent of making the exemptions easier to use. A new section (section 42A of the Building Act) was added to the Building Act to clarify:

- what type of building work is exempt from requiring a building consent
- who can carry it out; and
- what other conditions apply.

The scope of building work covered by Schedule 1 does not vary greatly from the previous version (which was amended in December 2010). However, it has a new numbering system and has been divided into three parts depending on who can carry out the building work:

- **Part 1 Exempted building work**, which lists work that anyone can carry out. It includes exemption 2 (formerly Schedule 1(k)), which gives territorial and regional authorities the discretion to exempt any building work from requiring a building consent.
- **Part 2 Sanitary plumbing and drainlaying carried out by a person authorised under the Plumbers, Gasfitters, and Drainlayers Act 2006**
- **Part 3 Building work for which design is carried out or reviewed by a chartered professional engineer.**

AT A GLANCE:

Some plumbing and drainlaying must now be carried out by an authorised person (eg a registered certifying plumber or drainlayer) before it can be considered exempt building work.

Another change is that the requirement for buildings to be 'damaged' has been removed from the exemptions relating to the repair or replacement of an outbuilding (now [exemption 7](#)) or the demolition of a detached building (now [exemption 30](#)).

[Exemption 31](#) (removal of building element) is a new exemption which has been inserted. This is in response to the partial demolition of buildings that had to be undertaken to allow repairs to damaged buildings after the Canterbury earthquakes.

How to use this guide

This guide provides information on each of the Schedule 1 exemptions including what the law says (text in italics), guidance and useful examples. We also highlight some key changes.

Before referring to the specific exemptions, we suggest you read the sections on:

- [the context for exempt work](#)
- [seeking advice](#) on whether or not your building work is exempt under Schedule 1
- [building owners' responsibilities](#), and
- [section 41](#) and [section 42A](#) of the Building Act, which relate to the Schedule 1 exemptions.

Turn to the end of the guide for:

- [links to previous versions of the legislation](#), which can be useful for establishing whether or not previous building work on a property was exempt at the time it was carried out
- [other useful links](#)
- a [reference table](#) mapping the various exemptions (clauses) between this version of Schedule 1 and the previous one (which took effect on 23 December 2010), and
- a [glossary](#) of key terms and abbreviations.

**ALERT:**

We use the term 'exemption' in this guide to refer to a clause in Schedule 1. For example, 'exemption 2' refers to clause 2 of Schedule 1 of the Building Act.

Context for exempt work

New Zealand's building legislation recognises that a number of things we do which are considered 'building work' are low risk, so do not require a building consent.

The Building Act provides for this through:

- **Section 41**, which exempts certain types of work from requiring a building consent (including the types of building work listed in Schedule 1)
- **Section 42A**, which imposes some general conditions and limits on the Schedule 1 exemptions, including who can carry out the work, and
- **Schedule 1**, which lists a range of possible exemptions and describes when these could apply.

All building work, whether or not it requires a building consent, must still comply with the [Building Code](#) (under section 17 of the Building Act). Building work must also comply with any other relevant legislation, including:

- *Plumbers, Gasfitters, and Drainlayers Act 2006*
- *Gas (Safety and Measurement) Regulations 2010*
- *Electricity Act 1992*
- *Electricity (Safety) Regulations 2010*
- *Resource Management Act 1991*
- *Fire Service Act 1975*
- *Health and Safety in Employment Act 1992*.



ALERT:

Carrying out building work that is not exempt without a building consent is an offence under section 40 of the Building Act. Such an offence can incur a fine of up to \$200,000 and, if work continues, a further fine of up to \$10,000 for every day or part day during which the offence continues.

A territorial authority can also issue an infringement notice for those carrying out building work without consent (under the *Building (Infringement Offences, Fees, and Forms) Regulations 2007*). This incurs an infringement fee of \$1,000.

Ask for advice

As a building owner, you are responsible for:

- determining whether or not your building work is exempt (ie does not require a building consent), and
- making sure that any exempt building work complies with the Building Code.



ALERT:

Even if your building work is exempt, you can still choose to apply for a building consent. The building consent authority must process your application.

If you are not sure whether or not your building work is exempt, it is important to get advice from someone with the appropriate building knowledge and expertise. A person with appropriate building knowledge and expertise could include:

- building consent authorities (typically district and city councils)
- registered architects
- chartered professional engineers
- registered building surveyors
- building consultants
- licensed building practitioners, and
- registered certifying plumbers and/or drainlayers.

Building consent authorities have extensive building control expertise as well as information about exemptions and the building consent process.

Licensed building practitioners can be a useful source of information. However, check that they hold the relevant licensing class before relying on their advice.

You may need to pay a building consent authority or other adviser for their advice.



ALERT:

If the proposed scope of your building work is marginally beyond the scope of a particular exemption, we suggest that you consider applying to the council for an **exemption 2**. The council can then exercise its discretion as to whether or not it will require a building consent.

Before doing this, we recommend that you talk to the council to gauge whether or not it is prepared to exercise its discretion under exemption 2 on your project.

Exempt building work: what the law says

When building consent is not required (section 41)

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

Section 41(1)(b) and 41(2) were amended on 28 November 2013 to:

- link with the new section 42A about Schedule 1 exemptions and the general conditions relating to these, and
- state what changes can be made by Order in Council to Schedule 1 of the Building Act.

These changes are included below.

41 Building consent not required in certain cases

1. *Despite section 40, a building consent is not required in relation to:*

- a Crown building or Crown building work to which, under section 6, this Act does not apply; or*
- any building work described in Schedule 1 for which a building consent is not required (see section 42A); or*
- 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:*
 - for the purpose of saving or protecting life or health or preventing serious damage to property; or*
 - 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*
- any energy work that, under section 43, does not require a building consent; or*
- any building work that a territorial authority is authorised to carry out under this Act.*

2. *The Governor-General may, by Order in Council, amend Schedule 1 by:*
- (a) *adding any building work or class of building work to Schedule 1 as being building work for which a building consent is not required:*
 - (b) *extending or clarifying the scope of any building work or class of building work listed in Schedule 1 as building work for which a building consent is not required:*
 - (c) *restating, for the purpose of clarity, any building work or class of building work listed in Schedule 1.*

**ALERT:**

If you are a building owner and do not obtain a consent because building work has to be carried out urgently, you must still apply to the territorial authority for a certificate of acceptance as soon as practicable after you have completed this work (under section 96 of the Building Act).

You should also note that exemptions are not retrospective. Therefore, if you carry out unconsented building work which was not exempt when it was undertaken (ie it was not covered by an exemption in the legislation in force at the time), you need to apply to the territorial authority for a certificate of acceptance.

Conditions and limits on exempt work under Schedule 1 (section 42A)

Section 42A of the Building Act imposes some general conditions and limits on exemptions contained in Schedule 1 of the Building Act.

This section was inserted on 28 November 2013 to accompany the reorganisation of Schedule 1 into different parts depending on who can undertake the building work. It also adds some conditions and limits on all exemptions.

42A Building work for which building consent is not required under Schedule 1

1. *Despite section 40, subject to the conditions set out in subsection (2) and whether or not a building consent would otherwise have been required, a building consent is not required for building work in the following categories:*
 - (a) *building work described in Part 1 of Schedule 1; or*
 - (b) *building work described in Part 2 of Schedule 1 that is carried out by an authorised person (see subsection (3)); or*
 - (c) *building work described in Part 3 of Schedule 1 if the design of the building work has been carried out or reviewed by a chartered professional engineer and the building work has been carried out in accordance with that design.*
2. *Subsection (1) is subject to the following conditions:*
 - (a) *the building work complies with the building code to the extent required by this Act:*
 - (b) *after the building work is completed, the building:*
 - (i) *if it complied with the building code immediately before the building work began, continues to comply with the building code; or*
 - (ii) *if it did not comply with the building code immediately before the building work began, continues to comply at least to the same extent as it did then comply:*
 - (c) *the building work does not breach any other enactment:*
 - (d) *the building to which the building work relates is not a building that is required to be licensed under the Hazardous Substances and New Organisms Act 1996.*
3. *In subsection (1)(b), authorised person means a person who is authorised under the Plumbers, Gasfitters, and Drainlayers Act 2006 to do the work, except for a person who is authorised under section 15, 16, 19, or 25 of that Act.*

Who can carry out exempt work?

Section 42A(1) describes who can carry out the building work described in Schedule 1 without a building consent. The Schedule 1 exemptions are grouped into three parts:

- **Part 1**, which lists exempt building work that anyone can carry out
- **Part 2**, which lists some plumbing and drainlaying work that can only be done by an authorised person; otherwise it will require a building consent. The term 'authorised person' is referred to in section 42A(3) as a person who is authorised under the *Plumbers, Gasfitters and Drainlayers Act 2006* and effectively covers:
 - registered certifying plumbers and drainlayers
 - registered plumbers and drainlayers working under supervision
 - plumbers and drainlayers with a provisional licence working under supervision, and
 - trainee plumbers and drainlayers working under supervision.
- **Part 3**, which lists building work that is only exempt if it is designed or the design is reviewed by a chartered professional engineer, who is a professional engineer registered with the Institution of Professional Engineers New Zealand Incorporated (IPENZ) under the *Chartered Professional Engineers of New Zealand Act 2002*.



ALERT:

Most of these restrictions were already in the previous version of Schedule 1, but were contained in the text for particular exemptions rather than in a separate section of the Building Act.

The only significant change is that the plumbing and drainlaying work must now be done by an 'authorised person' (refer to glossary) to qualify as exempt work.

General conditions on exempt work

Section 42A(2) imposes general conditions on building work done without a building consent under Schedule 1.

Exempt work must still comply with the Building Code

Section 42A(2)(a) requires that all building work that is exempt under Schedule 1 must still comply with the Building Code.

This is not a new requirement. It simply repeats, for clarity, the requirement of section 17 of the Building Act which applies to all building work, including that done without a building consent under Schedule 1.

Building performance cannot be made worse

Section 42A(2)(b) is a new requirement relating to all building work done without a building consent under Schedule 1. It requires that the exempted building work must not make the altered building perform worse than the building did before the work was carried out.

This applies unless the building's performance initially exceeded the Building Code's requirements. In this case, it must continue to comply with the Building Code once the work is completed.



ALERT:

Section 42A(2)(b) is a new requirement for ALL alterations done to existing buildings under Schedule 1. It makes sure that alterations do not lessen a building's performance in terms of the Building Code.

Previous versions of Schedule 1 included similar conditions to section 42A(2)(b) within some specific exemptions. For example:

- '(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 . . .'*

From the previous version of Schedule 1 (December 2010)

However, this has been taken out of the text for specific exemptions and now applies to ALL exemptions listed in Schedule 1 and to all Building Code requirements.

This is also a similar requirement to the one in section 112(1)(b) of the Building Act for alterations to existing buildings. However, section 112 relates to alterations carried out with a building consent. Section 42A(2)(b) was introduced to make sure that alterations do not reduce the performance of any buildings altered without a building consent under Schedule 1.

Exempt work must comply with other relevant legislation

Section 42A(2)(c) states that all building work done without a building consent under Schedule 1 must not breach any other enactment. This is not new but simply restates the requirements for all building work, whether exempt or not. [Refer to [Context for exempt work](#) for examples of relevant legislation.]

Work on buildings licensed under the HSNO Act will need a building consent

Section 42A(2)(d) is a limitation on the Schedule 1 exemptions which specifically excludes from Schedule 1 any work on buildings required to be licensed under the *Hazardous Substances and New Organisms Act 1996* (the HSNO Act).



ALERT:

To avoid possible issues when on-selling your property, it is recommended, if you have completed exempt building work on your property, that you formally notify your council and provide it with any relevant documentation (such as drawings, specifications and photographs). By providing this information, it will enable council to update your property file. By taking this simple action, it may avert difficulties when potential purchasers check council's records and discover that the records do not align with what is seen on site. (Note that councils may charge for providing this service).

Schedule 1 exempt work

The purpose of Schedule 1: Building work for which building consent is not required is to exempt building work that is low-risk from requiring a building consent, because the costs associated with obtaining a consent are likely to outweigh any benefits that requiring a building consent may offer.

Schedule 1 exemptions are generally for building work that will not affect the building's structure or fire safety and that do not pose a risk to public safety.

Note that Schedule 1 [exemption 2](#), is the only case which requires a decision from regional or territorial authorities. This allows them to use their discretion in exempting any type of building work from requiring a building consent.

The following table lists the Schedule 1 exemptions. We provide the text of the legislation, guidance and examples for each of these in turn.



ALERT:

If you were familiar with previous versions of Schedule 1, you will notice that some references to Building Code performance have been removed from the text of particular exemptions. This does not mean that they no longer apply: section 42A of the Building Act now applies these requirements and some other conditions to ALL Schedule 1 exemptions.

SCHEDULE 1 EXEMPTIONS

PART 1: Exempted building work

General

1. General repair, maintenance, and replacement
2. Territorial and regional authority discretionary exemptions
3. Single-storey detached buildings not exceeding 10 square metres in floor area
4. Unoccupied detached buildings
5. Tents, marquees, and similar lightweight structures
6. Pergolas
7. Repair or replacement of outbuilding

Existing buildings: additions and alterations

8. Windows and exterior doorways in existing dwellings and outbuildings
9. Alteration to existing entrance or internal doorway to facilitate access for persons with disabilities
10. Interior alterations to existing non-residential building
11. Internal walls and doorways in existing building
12. Internal linings and finishes in existing dwelling
13. Thermal insulation
14. Penetrations
15. Closing in existing veranda or patio
16. Awnings
17. Porches and verandas
18. Carports
19. Shade sails

Other structures

20. Retaining walls
21. Fences and hoardings
22. Dams (excluding large dams)
23. Tanks and pools (excluding swimming pools)
24. Decks, platforms, bridges, boardwalks, etc
25. Signs
26. Height-restriction gantries
27. Temporary storage stacks
28. Private household playground equipment

Network utility operators or other similar organisations

29. Certain structures owned or controlled by network utility operators or other similar organisations

Demolition

30. Demolition of detached building
31. Removal of building element

PART 2: Sanitary plumbing and drainlaying carried out by person authorised under Plumbers, Gasfitters, and Drainlayers Act 2006

Plumbing and drainage

- 32. Repair, maintenance, and replacement
- 33. Drainage access points
- 34. Minor alteration to drains
- 35. Alteration to existing sanitary plumbing (excluding water heaters)

Water heaters

- 36. Repair and maintenance of existing water heater
- 37. Replacement of open-vented water storage heater connected to supplementary heat exchanger
- 38. Replacement or repositioning of water heater that is connected to, or incorporates, controlled heat source

PART 3: Building work for which design is carried out or reviewed by chartered professional engineer

- 39. Signs
- 40. Plinths
- 41. Retaining walls
- 42. Certain public playground equipment
- 43. Removal of sign, plinth, retaining wall, or public playground equipment

Part 1: Exempted building work

Part 1 contains 31 exemptions (clauses) in five broad categories:

- General
- Existing buildings: additions and alterations
- Other structures
- Network utility operators or other similar organisations
- Demolition.

There are no restrictions on who can carry out the work. However, note that the general conditions and limits of section 42A of the Building Act apply to all Schedule 1 exemptions. If you choose to employ a tradesperson to carry out any building work in Part 1 (which is not restricted building work because it is exempt from requiring a building consent), it is prudent to check the [online public register of licensed building practitioners](#).



ALERT:

Most exemptions are similar to those in previous versions of Schedule 1 but have been reorganised and renumbered (refer to the [Map to previous Schedule 1 clauses](#) for a quick cross-reference to these).

The scope of some exemptions has changed subtly to ensure the risk is appropriately low. This includes [exemption 31](#) – removal of building element, which was inserted in response to the need to partially demolish buildings after the 2010-2011 Canterbury earthquakes.

Previously, the repair or replacement of an outbuilding, or the demolition of a detached building, was restricted to 'damaged' buildings only. This restriction no longer applies (refer to [exemption 7](#) and [exemption 30](#) respectively).

General

1. General repair, maintenance, and replacement

1. *The repair and maintenance of any component or assembly incorporated in or associated with a building, provided that comparable materials are used.*
2. *Replacement of any component or assembly incorporated in or associated with a building, provided that:*
 - (a) *a comparable component or assembly is used; and*
 - (b) *the replacement is in the same position.*
3. *However, subclauses (1) and (2) do not include the following building work:*
 - (a) *complete or substantial replacement of a specified system; or*
 - (b) *complete or substantial replacement of any component or assembly contributing to the building's structural behaviour or fire-safety properties; or*
 - (c) *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*
 - (d) *sanitary plumbing or drainlaying under the Plumbers, Gasfitters, and Drainlayers Act 2006.*

This exemption enables building owners to maintain their buildings, including carrying out any repairs or replacement, without having to get a building consent.

For further guidance on this exemption, we suggest you refer to the Ministry's regular building controls newsletter [Codewords](#) which often contains relevant examples. These include: Issue 17 – January 2007, Issue 27 – April 2008, Issue 30 – August 2008 and Issue 49 – October 2011 (regarding solid-fuel heaters).

The Ministry has also issued relevant [determinations](#) under the Building Act (eg Determinations 2013/058 and 2013/071) that include discussion about what is considered complete or substantial replacement and what is meant by comparable materials, components or assemblies.



ALERT:

If you are not sure if this exemption applies to your proposed building work, we recommend that either you seek an [exemption 2](#) from the council or you apply for a building consent rather than risk applying it incorrectly.



Examples where this exemption could apply

Replacing a 20-year old profile metal roof cladding (eg corrugated iron or pressed metal tiles), where that cladding has achieved its Building Code durability requirement (ie it lasted more than 15 years) and the replacement cladding is a comparable component or assembly (eg profiled metal roofing).

Replacing old rotten wooden piles under a house with new treated timber piles in the same positions, as long as the work is not complete or substantial replacement.

Replacing a damaged fire sprinkler head in the same position in a commercial building. This work is not considered substantial as only one fire sprinkler head is being replaced rather than the whole specified system.

Repairing and repainting damaged solid plaster exterior wall cladding, where the damage was not due to a durability failure (eg it was caused by a motor vehicle backing into the wall).

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.

Replacing a damaged inner stainless steel flue for an existing solid fuel heater (eg a wood burner) in the same position. As the undamaged outer flue liner is remaining and will continue to protect the building against the possible spread of fire, the scope of work is not considered to be complete or substantial replacement of a component that contributes to the building's fire safety.

Examples where this exemption could apply

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.

Carrying out repairs or replacement work to a damaged brick chimney of a functioning open fireplace following an earthquake. The repair involves using comparable materials and the scope of work is not considered to be complete or substantial replacement of any components that contribute to the building's structural behaviour or the fire safety of the building.

Repairing or replacing masonry veneer wall cladding (eg brick or stone) which has been damaged, for example, by a large earthquake.

Simple plumbing repairs, such as replacing tap washers or ballcock valves. (Refer to [exemption 32](#) for repairs, maintenance and replacement to sanitary plumbing and drainage which must be carried by an 'authorised person').

Replacing an old clay tile roof with a profiled metal roof (eg longrun roofing or pressed metal tiles) in the same position. Since the scope of work involves replacing a heavy weight roof with light weight, such issues as how to deal with higher uplift forces must be considered. The owner may elect to use NZS 3604:2011 to show compliance with the Building Code. As the scope of work is not considered to be complete or substantial replacement of a component or assembly that contributes to the building's structural behaviour, the building work falls within the scope of this exemption.

Examples where building consent is required

Replacing exterior wall cladding that has failed within 15 years of the cladding being installed, resulting in damage to the wall framing.

Rebuilding a house that has been significantly damaged by fire or earthquake. Although the building may have met its durability requirements under the Building Code, the proposed building work would involve complete and substantial replacement of structural components. Therefore, a building consent is required.

Repairing an exterior wall following vehicle impact damage where the repairs require complete replacement of wall framing and integral bracing elements.

Replacing an earthquake or fire damaged roof to a warehouse where the work includes the complete replacement of roof trusses that affect the building's structural behaviour.

Examples where building consent is required

Replacing old corrugated iron roofing with new concrete tiles. The new heavier tiles will impose an increased load on the existing structure which is likely to substantially affect the building's structural behaviour.

Repositioning a solid-fuel heater (eg a wood burner) by shifting it from one end of a living room to the other.

Replacing an existing solid-fuel heater with a comparable appliance in the same location. This will require a building consent as the installation will affect the building's fire safety properties.

2. Territorial and regional authority discretionary exemptions

Any building work in respect of which the territorial authority or regional authority considers that a building consent is not necessary for the purposes of this Act because the authority considers that:

- (a) the completed building work is likely to comply with the building code; or*
- (b) if the completed building work does not comply with the building code, it is unlikely to endanger people or any building, whether on the same land or on other property.*

Exemption 2 allows territorial authorities (city or district councils) or regional authorities (regional councils) to use their discretion to exempt any proposed building work from the requirement to obtain a building consent if the territorial or regional authority considers that the circumstances in (a) or (b) of the exemption are met.

This is the only exemption in Schedule 1 which requires a territorial or regional authority to make a decision about any proposed building work. For all the other exemptions, it is up to the owner to decide whether an exemption in Schedule 1 applies.

This exemption can be applied across a wide range of building work. At one end of the scale, the council may choose to exempt simple, low-risk, repetitive-type building work; eg relating to farm buildings, proprietary garages or bus shelters (typically buildings of importance level 1 from Building Code clause A3 – Building importance levels).

At the other end of the scale, the building work could be for complex engineered projects where the construction will be designed and supervised by chartered professional engineers. These might include complex temporary stage and lighting towers, or major infrastructure projects such as motorway tunnels, electrical substations for rail networks or substantial wharf repairs. In these cases, the work is likely to comply, because skilled professionals are doing or supervising the work, and furthermore, council's processing and inspecting procedures would add little value to the overall process.

As a building owner:

- If you want your proposed building work to be considered for this exemption, we suggest that you or your agent start by discussing it with the relevant council.
- It is then likely that you will have to make a formal written request.
- In making its decision on whether or not to require a building consent, the council will take into account what it considers the risk is, that your building work will not comply with the Building Code or will endanger people or property.

As a territorial or regional authority:

You should have procedures for making formal decisions under exemption 2 that meet the criteria of subclauses (a) and (b) above.

When determining the likelihood of compliance, we suggest your considerations include:

- any substantial previous demonstration of competence in carrying out similar work by the people who will carry out this work (eg a history of previous building work in the council's district)
- the complexity of the building work relative to the competence of the people who will carry it out, and
- any independent quality assurance systems or checks that will be applied in the course of the work.

In determining the likelihood of endangerment, we suggest your considerations include:

- the location of the building work (eg whether it is high density urban or remote rural), and
- how close it will be to the property boundary and/or other buildings.

In all cases, we recommend that you (the territorial or regional authority) record your decision, the reason for it and the outcome, and place this information on the property file relating to the building work.

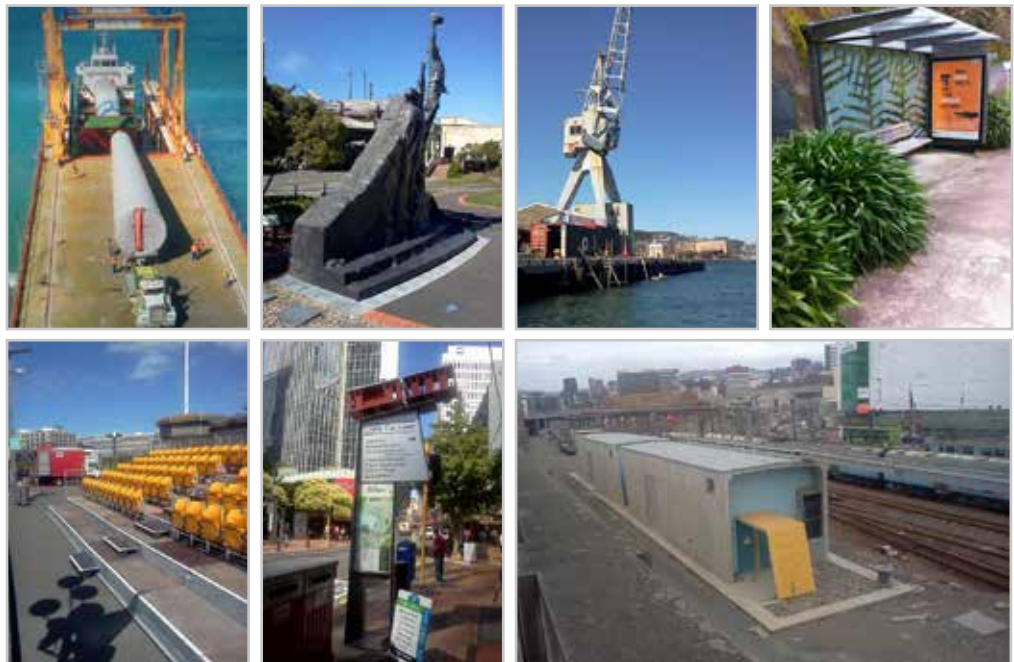
The Ministry has produced a guidance document, [Guidance in relation to Schedule 1\(k\) exemptions and issuing building infringement notices \(Technical Review of Wellington City Council\)](#), July 2012, that outlines good practice relating to the use of this exemption (which corresponds to exemption (k) in the December 2010 version of Schedule 1) and also covers some suggested policy and procedures.

**ALERT:**

Any type of building work could potentially be considered under this exemption. However, all building work carried out under this exemption should comply fully with the Building Code and all other **relevant legislation**.

Council policies for allowing discretionary exemptions will vary depending on the scope of the building work and who is undertaking that work. Therefore, as it is difficult to give general examples of the possible application of this exemption, we have shown a series of projects which were considered exempt building work by one territorial authority. These were (clockwise from left):

1. Temporary wharf
2. Statue
3. Substantial wharf repairs
4. Bus shelter
5. Electrical substation for the rail network.
6. Freestanding sign
7. Temporary tiered seating



ALERT:

It is recommended that you discuss with council, or check its website, to see if the council has a policy to exempt certain building work under exemption 2, which may, or may not, require a formal application.

3. Single-storey detached buildings not exceeding 10 square metres in floor area

1. Building work in connection with any detached building that:
 - (a) is not more than 1 storey (being a floor level of up to 1 metre above the supporting ground and a height of up to 3.5 metres above the floor level); and
 - (b) does not exceed 10 square metres in floor area; and
 - (c) does not contain sanitary facilities or facilities for the storage of potable water; and
 - (d) does not include sleeping accommodation, unless the building is used in connection with a dwelling and does not contain any cooking facilities.
2. However, subclause (1) does not include building work in connection with a building that is closer than the measure of its own height to any residential building or to any legal boundary.

This exemption covers the construction of small buildings such as garden sheds, cabins or sleepouts. It also includes all work relating to the disposal of stormwater.

If you are providing sleeping accommodation in such a building, note that the facilities of an existing dwelling must be readily available and used for sanitation, and the building cannot include cooking facilities because of the risk of fire.

If you are a supplier of proprietary garden sheds, cabins or sleepouts, we recommend that you make sure anyone buying them is aware of the use and location requirements of this exemption. If these requirements are not fully met, the purchaser will need to apply for a building consent.

Note: smoke alarms must be installed in **all** sleeping areas.



ALERT:

Always check with your local council to make sure your proposed building work does not have any district planning implications (eg maximum site coverage, yard/setback requirements, daylight access planes or permitted activities). A resource consent may be required and it is important that you obtain this before starting any building work.

If you are building close to boundaries, you need to give due consideration to the Building Code requirements regarding protection from fire; particularly in relation to the external spread of fire to neighbouring property.



Examples where this exemption could apply

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.

Owners of a childcare centre intend to build a 10 square metre detached building to serve as a staff retreat area. The proposed building will be more than its own height away from the boundaries. It contains no water supply and no facilities for cooking or sanitation.

A home owner decides to build a detached sleepout with a net ground floor area of 10 square metres on the back of his 1000 square metre section. The sleep-out floor level is 900 mm above the supporting ground and the apex of the roof is 3.5 metres above the floor level. The sleepout is more than its own height away (4.4 metres) from the house and the boundaries. To optimise the floor space the owner proposes to have a raised sleeping platform, above door head height, to accommodate a single mattress only (ie equivalent to an upper bunk bed).

Examples where building consent is required

A rural land owner decides to erect a sleepout with a net floor area of 10 square metres on a property that does not have a residential dwelling on it. This sleepout would require a building consent as it is not associated with a residential dwelling.

A building owner erects a kitset 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 not its own height away from the boundary.

A home owner decides to build a detached sleepout with a net ground floor area of 10 square metres on the back of his 1000 square metre section. The sleepout floor level is 900 mm above the supporting ground and the apex of the roof is 3.5 metres above the floor level. The sleepout is also more than its own height away (4.4 metres) from the house and the boundaries. The owner decides to optimise the sleepout space by including a loft of 8 square metres as a study area. As the proposed floor level of the study/loft is more than 1 metre above the supporting ground, a building consent will be required.

4. Unoccupied detached buildings

1. *Building work in connection with any detached building that:*
 - (a) *houses fixed plant or machinery and under normal circumstances is entered only on intermittent occasions for the routine inspection and maintenance of that plant or machinery; or*
 - (b) *is a building, or is in a vicinity, that people cannot enter or do not normally enter; or*
 - (c) *is used only by people engaged in building work:*
 - (i) *in relation to another building; and*
 - (ii) *for which a building consent is required.*
2. *However, subclause (1) does not include building work in connection with a building that is closer than the measure of its own height to any residential building or to any legal boundary.*

This exemption covers specific types of building that would:

- not normally pose a risk to people, or
- are only used by people engaged in constructing or maintaining another consented building (eg a construction site office).

This exemption also includes all work relating to the disposal of stormwater as it relates to the unoccupied detached buildings.



ALERT:

Always check with your local council to make sure your proposed building work does not have any district planning implications (eg maximum site coverage, yard/setback requirements, daylight access planes or permitted activities). A resource consent may be required and it is important that you obtain this before starting any building work.

If you are building close to boundaries, you need to give due consideration to the Building Code requirements regarding protection from fire; particularly in relation to the external spread of fire to neighbouring property.



Examples where this exemption could apply

Owners of an industrial complex are installing a new compressor which needs to be protected from the weather. They construct a 3 metre high building with a 15 square metre floor area to house the compressor, which only requires maintenance once a month. The building is sited 7 metres from the closest boundary.

A purpose-built construction site office that has a 20 square metre floor area and is 2.4 metres high is located on a consented commercial building site. It is 3 metres from the nearest boundary and is only used by people engaged in constructing the building.

Examples where building consent is required

An industrial building owner wants to construct a building in an area that people do not normally enter. The building will also be further than its own height away from any residential building or legal boundary. However, as the building will contain chemicals that require it to be licensed under the *Hazardous Substances and New Organisms Act 1996*, a building consent will be required under section 42A(2)(d) of the Building Act.

A building supply merchant intends to build a security building at the exit barrier of his premises (ie on the property boundary). It will be 12 square metres by 3 metres high. As he plans to locate the building less than its own height from the nearest boundary, he will need to apply for a building consent.

5. Tents, marquees, and similar lightweight structures

Building work in connection with any tent or marquee, or any similar lightweight structure (for example, a stall, booth, or compartment used at fairs, exhibitions, or markets) that:

- (a) does not exceed 100 square metres in floor area; and*
- (b) is to be, or has been, used for a period of not more than 1 month.*

This exemption allows you to construct, alter or remove a tent or marquee that is being used either for public assembly (eg at a school gala) or private use (eg for a wedding reception). However, this is only if the tent or marquee does not exceed 100 square metres and is not in place for more than a month.

This exemption also recognises the simple construction and temporary nature of stalls used at fairs, exhibitions (such as trade shows) and market events. The restrictions on maximum floor area have been imposed to avoid potential safety problems.



Examples where this exemption could apply

A tent with a floor area of 100 square metres is erected at a 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 three day long wine and food festival. Each tent and marquee has a floor area of 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.

Examples where this exemption could apply

A property owner erects a tent with a floor area of 90 square metres for a birthday function in her back yard. It will only be there for the Easter weekend (ie four days).

A tent with a floor area of 50 square metres is erected in a yard to store catering supplies and equipment and to house the bar service area during a function. The tent is dismantled the next day.

A 75 square metre stall is put up at a trade show for a week.

The owner of a weekend market stall increases the stall's size from 50 square metres to 70 square metres.

The operator of a fun fair erects a number of booths for four weeks. The booths are not physically connected to each other and none of them have a floor area of more than 100 square metres.

Following a recent increase in the number of car park users at an exhibition centre, an additional ticket booth is installed in the car park for a week until a more permanent solution can be found. The floor area of the booth is 6 square metres.

Examples where building consent is required

A marquee with a floor area of 125 square metres is erected for a function. Although the function is only for a night, the marquee is over the 100 square metre size limitation and will consequently require a building consent.

A vineyard owner erects a marquee with a floor area of 75 square metres for wine tasting. He plans to keep the marquee up for the entire summer (ie three 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. This exceeds the maximum allowable floor area of 100 square metres and will require a building consent.

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 limitation so a building consent is required.

A café owner proposes to erect a permanent 90 square metre marquee for patrons to use. As she intends this marquee to remain in place for longer than a month, a building consent is required.

Organisers of a wine and food festival put up several 125 square metre stalls. As the area of each stall is greater than 100 square metres, a building consent is required.

6. Pergolas

Building work in connection with a pergola.

Pergolas are simple-framed and unroofed structures which are often used as garden features. For the purposes of this exemption, pergolas may either be attached to a building or freestanding. There is no limit on their size, but they must not be roofed.



Examples where this exemption could apply

An owner purchases a kitset for a 26 square metre, 2.4 metre high pergola.

A vineyard owner constructs a 100 square metre, 5 metre high pergola for wedding receptions.

A builder attaches a 10 square metre pergola to a dwelling. The pergola is over a deck which is accessed via French doors from the living room.

A council installs a 3 metre wide decorative pergola that runs the full length of a 250 metre long pathway in a public park.

Examples where building consent is required

An owner wishes to alter a 28 square metre pergola attached to her house by fitting clear polycarbonate roofing material to the structure. As the pergola will be roofed, it will not be covered by this exemption. The addition of the roof will turn it into a veranda but, as its area is greater than 20 square metres, it will not be covered by [exemption 17](#) (porches and verandas) either and will require a building consent.

A garden centre wants to erect several pergolas covered in plastic sheeting to provide shelter for customers in the outside courtyard. The addition of the plastic covering to form a closed roof and walls means that the structures are no longer pergolas for the purpose of this exemption and a building consent will be required.

7. Repair or replacement of outbuilding

The repair or replacement of all or part of an outbuilding if:

- (a) the repair or replacement is made within the same footprint area that the outbuilding or the original outbuilding (as the case may be) occupied; and
- (b) in the case of any replacement, the replacement is made with a comparable outbuilding or part of an outbuilding; and
- (c) the outbuilding is a detached building that is not more than 1 storey; and
- (d) the outbuilding is not intended to be open to, or used by, members of the public.

This exemption provides for the repair or replacement of existing outbuildings (as classified under Building Code clause A1 – Classified uses) that are not intended for human habitation. These include buildings such as carports, garages, greenhouses, machinery rooms, sheds, private swimming pools and farm buildings.

Note that the previous version of this exemption (exemption (m) of Schedule 1, dated 23 December 2010) has been amended to allow the repair or replacement of an outbuilding irrespective of whether the outbuilding has been damaged, but is now limited to single storey that is not used by the public.



ALERT:

Always check with your local council to make sure your proposed building work does not have any district planning implications (eg maximum site coverage, yard or setback requirements, daylight access planes or permitted activities). A resource consent may be required and it is important that you obtain this before starting any building work.

If you are building close to boundaries, you need to give due consideration to the Building Code requirements regarding protection from fire; particularly in relation to the external spread of fire to neighbouring property.



Examples where this exemption could apply

A timber weatherboard garage wall is severely damaged in an earthquake. The owner decides to replace the garage wall in the same position using pre-painted, profiled metal cladding.

A farmer decides to replace an old corrugated iron clad storage shed with a new shed in the same position and of the same size. The new shed will have a long-run steel roof and timber weatherboard wall cladding.

The owner of an old concrete block garage, which has part of its roof missing, decides to demolish it. He replaces it in the same position with a new, prefabricated timber-framed garage with pre-finished steel roof and wall claddings.

An elderly couple decide to downsize their deteriorating double garage and replace it with a new single garage. This will occupy part of the footprint of the existing garage.

Examples where building consent is required

The owner of a commercial garage decides to replace an old wooden garage, which is 50 square metres in size, with a new 65 square metre galvanised steel garage. Since the new garage is larger than the original, a building consent is required.

A farmer plans to replace an old farm shed by relocating part of it to the other side of his property and adding a new extension to it. As the farmer is not planning to rebuild in the same locality as the existing farm shed, a building consent is required.

A council proposes to replace an existing masonry public toilet block. Although the definition of outbuilding under the Building Code (clause A1) includes public toilets, a building consent is required. This is because condition (d) of this exemption does not allow the outbuilding to be open to, or used by, members of the public.

The owner of an earthquake-damaged carport proposes to replace it with a garage on the same footprint. As the proposed garage is not a comparable outbuilding, a building consent is required.

Existing buildings: additions and alterations

8. Windows and exterior doorways in existing dwellings and outbuildings

Building work in connection with a window (including a roof window) or an exterior doorway in an existing dwelling that is not more than 2 storeys or in an existing outbuilding that is not more than 2 storeys, except:

- (a) in the case of replacement, if the window or doorway being replaced 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*
- (b) if the building work modifies or affects any specified system.*

This exemption allows you to carry out any building work in connection with a window (including a roof window, whether it is fixed or opening) or an exterior doorway without needing a building consent where it is an existing dwelling or outbuilding. That is as long as the original doorway or window has not failed prematurely and replacing it will not modify or affect any specified system (eg sprinklers or fire alarms).

If you are replacing a window, roof window or door, it is important to consider whether it originally met the durability requirements of the Building Code. In most cases, doors and windows in an external wall are required to last at least 15 years. Most windows and doors should achieve this requirement with regular maintenance.

If the door or window is older than 15 years and you are replacing it because it has rotted out, then this work will not require a building consent.

However, if you are replacing a window, roof window or door that has been installed within the last 15 years and it has failed (eg it has rotted out), this work will 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.

**ALERT:**

All new building work must comply with the Building Code, including the structural performance requirements. Also note that, on completion of the building work, the altered building must comply with the Building Code to at least the same extent as it did before the building work was undertaken.

If you are considering building work that is close to or involves potentially load-bearing walls, it is important to get professional advice (eg from a chartered professional engineer, registered architect, building consultant or registered building surveyor).



Examples where this exemption could apply

Installing a roof window to an upper level apartment of a 2 storey multi-unit dwelling (ie an apartment building). The skylight will be installed between the existing roof trusses without altering any specified systems.

A home owner decides to replace a damaged, non fire-rated window that is 500 mm from the boundary. As the replacement window is within a metre of the boundary and as the new building work must comply with the Building Code, the window must provide adequate protection to the boundary (it could either be a fire-rated window or a non fire-rated window which is suitably protected; eg by a drencher system). The existing windows (which are non fire-rated) in the same wall can remain because the house still complies to the same extent as it did before the alteration (refer to section 42A(2)(b)(ii) of the Building Act).

Removing a dwelling's lounge window and covering the opening with external cladding and internal linings to form a wall with no opening. Note that minimum Building Code requirements will still need to be met for ventilation, natural light and visual awareness of the outside environment.

Following earthquake damage, a builder decides to install a bi-fold door to replace a pair of French doors leading from the ground floor dining room of a 2 storey dwelling. As the wall opening for the new joinery is wider than the existing opening, he needs to install a new lintel to span the opening.

To gain more sunlight, a home owner decides to install a window in an external fire-rated bedroom wall which contains no other openings. As the window will be less than 1 metre from the boundary, the owner instructs the builder to install a fire-rated window to meet the Building Code requirements.

Examples where building consent is required

A window installed in an existing outbuilding only six years ago needs to be replaced because of a rotten timber window frame. Replacing this window requires a building consent because it has failed its 15 year durability requirement.

The owner of a commercial building wants to install a roof window into an existing roof and ceiling to a top floor office. As this building is not a dwelling or outbuilding and as the roof window installation will affect the existing sprinkler system, a building consent is required.

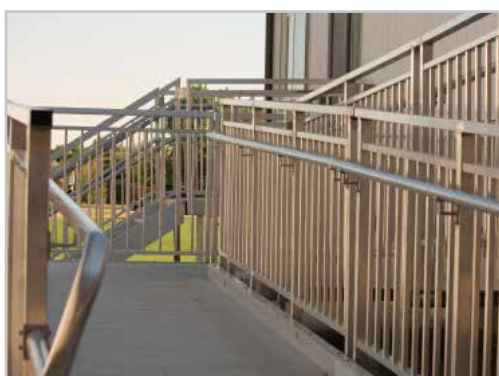
9. Alteration to existing entrance or internal doorway to facilitate access for persons with disabilities

Building work in connection with an existing entrance or internal doorway of a detached or semi-detached dwelling to improve access for persons with disabilities.

This exemption enables you to alter existing residential dwellings to improve access for people with disabilities. Some common examples of this are modifying doorways to allow better wheelchair access and installing access ramps. For the purpose of this exemption, 'semi-detached dwellings' includes row or terraced housing but excludes multi-unit dwellings (where one unit is above another).

This exemption does not cover construction of accessible or wet area showers. New door openings are also outside its scope but may be covered under [exemption 8](#) (windows and exterior doorways in existing dwellings and outbuildings).

Note: if you are constructing a ramp or platform as part of this building work, you will need to install a safety barrier at any point where there is a fall of 1 metre or more (this is required under Building Code clause F4 – Safety from falling).



Examples where this exemption could apply

An existing entry to a dwelling has a door with a window on either side of it. 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.

A dwelling's existing internal doorway needs to be widened. The door is located in a wall that is load-bearing and contains a bracing element. The opening can be widened without needing a building consent.

Examples where this exemption could apply

A home owner builds a ramp to provide access to a dwelling. At its highest point the ramp is 1.8 metres above ground level. Although a building consent is not required, she will have to install a safety barrier where there is a fall of 1 metre or more (under Building Code clause F4).

Examples where building consent is required

An owner wants to create a new external door opening to improve access to a dwelling. This is outside the scope of this exemption as it is not a modification of an existing door. However, it may be exempt under [exemption 8](#) (windows and exterior doorways in existing dwellings and outbuildings).

Constructing a new door through an internal bracing wall will require a building consent as the proposed building work is not a modification of an existing door.

10. Interior alterations to existing non-residential building

Building work in connection with the interior of any existing non-residential building (for example, a shop, office, library, factory, warehouse, church, or school) if the building work:

- (a) does not modify or affect the primary structure of the building; and*
- (b) does not modify or affect any specified system; and*
- (c) does not relate to a wall that is:*
 - (i) a fire separation wall (also known as a firewall); or*
 - (ii) made of units of material (such as brick, burnt clay, concrete, or stone) laid to a bond in and joined*
 - (iii) together with mortar; and*
- (d) does not include sanitary plumbing or drainlaying under the Plumbers, Gasfitters, and Drainlayers Act 2006.*

This exemption allows internal alterations to non-residential buildings; eg fit-outs of commercial properties. It does not apply to residential buildings, including communal residential buildings such as hotels, retirement villages, camping grounds, prisons and hospitals.

If your proposed building work either modifies or affects the primary structure of the building or any specified system (eg sprinklers, fire alarms or smoke detectors), then you will need a building consent.

In addition, your building work must not relate to a wall that is a fire separation wall (firewall) or a masonry wall (ie made of blocks joined together with mortar).

For example, if you want to cut an opening through a firewall to install a fire door, this does not meet the exemption conditions in subclauses (b) and (c)(i) and will need a building consent.

Because non-residential buildings are often complex, we recommend that you seek advice from people with experience in the building industry such as registered architects, registered building surveyors or chartered professional engineers if you are not sure whether or not this exemption applies. If you are still unsure, we suggest you talk to your local building consent authority (your local city or district council).



ALERT:

Installing new non load-bearing walls and partitions close to sprinkler heads, smoke or heat detectors may affect the effectiveness and compliance of these fire safety systems (which are specified systems). This type of building work will almost certainly require a building consent.



Examples where this exemption could apply

The owner of a clothing store decides to do an internal fit-out which includes new shelving, clothes racks and simple low partitions. The proposed building work will not affect any existing specified systems and it meets the other requirements of this exemption. Therefore, a building consent is not required.

A restaurant owner proposes an alteration that includes redecorating, new seating areas and an extension to the bar. As this building work does not affect or modify the primary structure or any installed specified systems (including firewalls), a building consent is not required.

Examples where building consent is required

The owner of an office building proposes to install a fire door in a firewall that separates an escape route. As the building work affects and modifies an existing specified system, a building consent will be required.

A commercial property owner wants to install some simple full height partitioning. This will involve relocating several fire sprinkler heads. As this building work is a modification to a specified system, a building consent will be required.

A developer has built the shell only of a new commercial building for several retail tenancies. One of the tenants wishes to fit out her retail space: this includes installing full height partitioning and counters for customer service. As this is the first fit-out of a new building, the building work is considered to be new and not an interior alteration to an existing non-residential building. Therefore, the proposed building work is outside the scope of this exemption and will require a building consent.

11. Internal walls and doorways in existing building

Building work in connection with an internal wall (including an internal doorway) in any existing building unless the wall is:

- (a) load-bearing; or*
- (b) a bracing element; or*
- (c) a fire separation wall (also known as a firewall); or*
- (d) part of a specified system; or*
- (e) made of units of material (such as brick, burnt clay, concrete, or stone) laid to a bond in and joined together with mortar.*

This exemption allows you to alter, remove or construct certain internal walls and doorways.

However, your proposed building work must not relate to a wall that is:

- load-bearing
- a bracing element
- a firewall, or
- a masonry wall, that is made of units of material (such as brick, burnt clay, concrete, or stone) laid to a bond in and joined together with mortar.

Internal walls often contain bracing elements: altering or removing these walls could adversely affect the building's structural performance. Some internal walls are also load-bearing: altering or removing these may reduce a building's compliance with the Building Code's structural performance requirements. Therefore, such walls are not covered by this exemption.

Building work relating to masonry walls is also outside the scope of this exemption. Masonry walls are heavy, and the consequences of their collapse if they are not adequately supported are greater than for timber-framed walls.



ALERT:

All new building work must comply with the Building Code, including with its structural performance requirements. Also note that, on completion of the building work, the altered building must comply with the Building Code to at least the same extent as it did before the building work was undertaken.

If you are considering building work that is close to or involves potentially load-bearing walls, it is important to get professional advice (eg from a chartered professional engineer, registered architect, building consultant or registered building surveyor).



Examples where this exemption could apply

An owner of a residential dwelling wishes to remove a section of internal timber-framed wall to make room for a new kitchen installation. After discussing this with a building practitioner, she is satisfied that 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 build a metal-framed internal wall to provide privacy in a reception area. As the wall is not load-bearing, has no bracing element and is not a firewall, a building consent is not required.

The owner of a dwelling wishes to remove a non load-bearing wall between the kitchen and laundry to provide for an enlarged kitchen space. The timber-framed wall has no bracing elements and therefore the building work does not require a building consent.

Examples where building consent is required

A hotel owner wants to cut a new opening in an existing masonry wall to create an open-plan lobby and reception area. The owner seeks guidance from her local council and an architect. Historic plans are reviewed and the architect discovers that the wall is load-bearing. As the proposed alteration affects a masonry, load-bearing wall, a building consent is required.

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 brick so a building consent is required.

The owner of a dwelling wishes to remove part of an internal metal-framed wall between the hallway and kitchen. She seeks advice from a licensed building practitioner who, after a quick visit to the house, informs her that the wall is load-bearing. Therefore, the removal would require a building consent.

12. Internal linings and finishes in existing dwelling

Building work in connection with any internal linings or finishes of any wall, ceiling, or floor of an existing dwelling.

This exemption allows you to replace or alter any or all of the linings and finishes of walls, ceilings or floors of an existing dwelling (whether single or multi-unit). Unlike [exemption 1](#) (general repair, maintenance, and replacement), this exemption does not require you to use comparable materials.

As wall and ceiling linings often provide bracing and fire resistance, we recommend you seek advice from an appropriately qualified building practitioner before carrying out any such work.

Wet area or level entry showers are generally outside the scope of this exemption. For guidance, we suggest you refer to the Ministry's regular building controls newsletter [Codewords](#) Issue 37 – May 2009.



ALERT:

If you are not sure whether proposed building work could affect Building Code compliance including with fire safety, structural performance and internal moisture requirements, first ask the advice of a suitably qualified person.



Examples where this exemption could apply

Replacing the ceiling lining (which is a bracing diaphragm) in an existing semi-detached dwelling because of water damage, with a new bracing diaphragm.

Replacing earthquake-damaged lathe and plaster wall linings in an existing detached house with wood panelling to dado height over full height plasterboard sheets.

Replacing a dwelling's tongue and groove floor boards with particle-board sheets.

Replacing a dwelling's plasterboard internal linings with new plasterboard.

Examples where building consent is required

Replacing internal linings and finishes in commercial and industrial buildings will require a building consent (unless the proposed work is covered by another exemption; eg [exemption 10](#)).

Installing a tiled wet area shower in an existing dwelling will require a building consent. This is because the construction of a wet area shower generally includes critical building work, such as waterproof membranes and structural modifications to the flooring system.

13. Thermal insulation

Building work in connection with the installation of thermal insulation in an existing building other than in:

- (a) an external wall of the building; or*
- (b) an internal wall of the building that is a fire separation wall (also known as a firewall).*

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



Examples where this exemption could apply

A house is being retrofitted with insulation to the sub-floor and ceiling spaces.

An existing apartment building is being retrofitted with fibreglass insulation to the internal, non fire-rated walls for additional thermal and noise control.

Examples where building consent is required

The external walls to 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.

14. Penetrations

1. *Building work in connection with the making of a penetration not exceeding 300 millimetres in diameter to enable the passage of pipes, cables, ducts, wires, hoses, and the like through any existing dwelling or outbuilding and any associated building work, such as weatherproofing, fireproofing, or sealing, provided that:*
 - (a) *in the case of a dwelling, the dwelling is detached or in a building that is not more than 3 storeys; and*
 - (b) *in the case of an outbuilding, the outbuilding is detached and is not more than 3 storeys.*
2. *In the case of an existing building to which subclause (1) does not apply, building work in connection with the making of a penetration not exceeding 300 millimetres in diameter to enable the passage of pipes, cables, ducts, wires, hoses, and the like through the building and any associated building work, such as weatherproofing, fireproofing, or sealing, provided that the penetration:*
 - (a) *does not modify or affect the primary structure of the building; and*
 - (b) *does not modify or affect any specified system.*

This exemption allows you to make penetrations of a limited size (with a maximum diameter of 300 mm) through both internal and external building components without needing a building consent. It also covers any building work associated with such penetrations such as weatherproofing, fireproofing, or sealing.

These small penetrations are typically necessary to install items such as heat pumps, home ventilation systems, extractor fans and a wide range of other building services which require wiring, pipes and the like to pass through a building.

The exemption contains conditions for two categories of building:

- An existing dwelling or outbuilding, provided:
 - the dwelling is in a building that is not more than 3 storeys (eg it might have retail stores on the ground floor and apartments above) or the dwelling is detached, or
 - the outbuilding is detached and is not more than 3 storeys.
- Any building other than a dwelling or outbuilding provided the penetration:
 - does not modify or affect the primary structure of the building (which is all the structural elements of the building that are intended to contribute to resisting vertical and horizontal loads), and
 - does not modify or affect any specified system.

**ALERT:**

It is important to seek professional advice and to ensure the person carrying out the work is competent to do so; ie they understand the Building Code requirements in relation to the building's structural performance, weatherproofing and fire-rating. Non-compliant building work may affect any insurance cover on the building and/or any future sale and purchase agreements.



Examples where this exemption could apply

Installing a heat pump into a detached dwelling via a 100 mm diameter wall penetration through an external load-bearing wall.

Installing an extract fan above a kitchen hob in a 4 storey detached dwelling. The fan is vented through the roof with a 200 mm diameter duct.

An owner has a single level apartment on the first floor of a 3 storey mixed-use building with retail spaces on the ground floor. The apartment owner intends to install an extract fan in a bathroom and vent it via a 290 mm diameter duct which penetrates an external firewall containing a bracing element.

Installing a closed-circuit television surveillance system with several 50 mm diameter penetrations through a load-bearing external wall of an outbuilding.

Fitting a security alarm box and associated cabling to an industrial building's external envelope. This requires a 20 mm diameter penetration to be drilled and sealed in a non-structural masonry wall.

Examples where building consent is required

An extract fan in a commercial kitchen is vented via a 250 mm diameter duct which penetrates a primary structure beam on the external wall. Although the penetration is less than 300 mm in diameter, as the penetration affects the primary structure of a commercial building it will require a building consent.

Providing a 400 mm x 400 mm roof penetration between the trusses of a commercial building to provide for a natural ventilation duct to a staff changing area. As the penetration dimensions are greater than 300 mm in diameter, a building consent is required.

15. Closing in existing veranda or patio

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.

This exemption allows you to close in an existing veranda, patio or similar structure in order to convert an area into an enclosed space (eg a conservatory).

The size of this enclosed space must not exceed 5 square metres.



Examples where this exemption could apply

A building owner has an existing patio measuring 4.5 square metres in area and wishes to fully enclose it with glazing.

An owner of a bay villa decides to partially enclose an existing veranda to have a 5 square metre sunroom off the living room. Glazed window joinery is installed on three sides to create the new space.

Examples where building consent is required

A building owner wants to change an existing veranda into an enclosed conservatory. The veranda measures 15 square metres in total. As the area she wishes to enclose is greater than 5 square metres, she will need to obtain a building consent.

16. Awnings

Building work in connection with an awning that:

- (a) is on or attached to an existing building; and*
- (b) is on the ground or first-storey level of the building; and*
- (c) does not exceed 20 square metres in size; and*
- (d) does not overhang any area accessible by the public, including private areas with limited public access, for example, restaurants and bars.*

This exemption relates to awnings which are currently, or are to be, attached to a building's external envelope or exterior surfaces.

If you are carrying out any building work in relation to awnings, you need to be particularly careful in relation to the weathertightness detailing of such structures. All mechanical connections which penetrate the building envelope and provide support to awnings (eg nuts, bolts or coach screws) must provide adequate resistance to stop moisture penetrating the building, as required under Building Code clause E2 – External moisture.



Examples where this exemption could apply

A home owner intends to install a retractable canvas awning of 10 square metres above a first floor kitchen window and over the adjoining deck to provide shade.

Examples where building consent is required

A lightweight fabric awning is to be fitted above an apartment deck on the third floor of the building. Although the awning has a total coverage of 18 square metres, it is not covered by this exemption because of its height above ground and a building consent is required.

17. Porches and verandas

Building work in connection with a porch or a veranda that:

- (a) is on or attached to an existing building; and
- (b) is on the ground or first-storey level of the building; and
- (c) does not exceed 20 square metres in size; and
- (d) does not overhang any area accessible by the public, including private areas with limited public access, for example, restaurants and bars.

Porches and verandas are usually made from permanent materials and often extend over raised decks or patios.

Porches are roofed structures which project from the face of a building. They may have sides but they are open at the front. Porches are generally used to protect a building entrance and to provide shelter.

A veranda is typically a long porch and can extend along the full length, or even around more than one side, of a building.

This exemption only covers porches and verandas up to a maximum of 20 square metres (this area includes any existing porch or veranda). They must also be located at ground or first storey level.



Examples where this exemption could apply

A building owner wishes to remove an existing porch from the entry to a dwelling. The porch is 20 square metres in size.

A first floor apartment owner wishes to increase the area of an existing veranda from 10 square metres to 20 square metres.

An owner of a multi-storey apartment building proposes to build a 15 square metre roofed structure with open sides to provide weather protection to the ground floor main entrance.

Examples where building consent is required

An existing veranda 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 will be required.

The owners of a fourth storey flat wish to build a veranda. They will need to obtain a building consent as they are above the first storey of the building.

A restaurant owner wants to build a 15 square metre veranda to create an outdoor eating area. This requires a building consent as this is an area accessible by the public.

18. Carports

Building work in connection with a carport that:

- (a) is on or attached to an existing building; and*
- (b) is on the ground level of the building; and*
- (c) does not exceed 20 square metres in floor area.*

This exemption relates to roofed structures that are used for motor vehicle storage and that are on or attached to an existing building. To be regarded as a carport, at least one side of the structure must remain open to the outdoors at all times.

The floor area, which is taken to be the area within the posts and/or walls supporting the roof structure, must also be no greater than 20 square metres to qualify for this exemption.

This exemption also includes all work relating to the disposal of stormwater as it relates to the carport.



ALERT:

If the proposed scope of your building work is marginally beyond the scope of this or any other exemption (eg a carport that is not on or attached to an existing building), we suggest that you consider applying to the council for an **exemption 2**. The council can then exercise its discretion as to whether or not it will require a building consent. Before doing this, we recommend that you talk to the council to gauge whether or not it is prepared to exercise its discretion under exemption 2 on your project.

Always check with your council to make sure your proposed building work does not have any district planning implications (eg maximum site coverage, yard/setback requirements, daylight access planes or permitted activities). A resource consent may be required and it is important that you obtain this before starting any building work.

If you are building close to boundaries you need to give due consideration to the Building Code requirements regarding protection from fire; particularly in relation to the external spread of fire to neighbouring property.



Examples where this exemption could apply

Constructing a new carport which is associated with an existing house. The carport will have a concrete slab on grade, be open on all sides, and have a floor area of 20 square metres.

A courier company intends to build a 20 square metre carport in its yard. The carport will be open on three sides and attached to the depot building.

Examples where building consent is required

Constructing a new carport with a floor area of 25 square metres which will be open on all sides and located on the ground level of the building. As it exceeds 20 square metres in floor area, a building consent is required.

19. Shade sails

Building work in connection with a shade sail made of fabric or other similar lightweight material, and associated structural support, that:

- (a) does not exceed 50 square metres in size; and*
- (b) is no closer than 1 metre to any legal boundary; and*
- (c) is on the ground level, or, if on a building, on the ground or first-storey level of the building.*

This exemption recognises the relatively simple, low-risk nature of shade sails. These are usually made of fabric and either attached to the outside of a building or freestanding with their own support structures (eg to cover a deck, patio or children's play equipment to provide sun protection).

While there may be significant wind loadings on shade sails – something that should be carefully considered during their design and assembly – there is very little building work involved in their construction or installation apart from erecting and making connections to structural supports.



ALERT:

If you are attaching shade sails to the exterior of a building, you need to pay particular attention to weathertightness detailing. All mechanical connections which penetrate the building envelope and provide support to shade sails (eg nuts, bolts and coach screws) must prevent moisture from getting into the building.



Examples where this exemption could apply

A shade sail is to be installed above a deck at the first storey level of a dwelling located in the middle of a large rural property. The proposed shade sail has a total area of 20 square metres and meets all Building Code requirements.

A shade sail is to be erected above a sandpit at a childcare centre. The proposed shade sail has a total area of 42 square metres and is 2 metres away from the nearest boundary.

A number of shade sails, each 12 square metres in size, are to be erected in a public park.

The owner of a café decides to install several shade sails, each 9 square metres in size, in an outdoor courtyard to provide sun protection for customers.

An old shade sail, 20 square metres in size, above a patio at ground level is replaced with a shade sail of 30 square metres.

Examples where building consent is required

A shade sail with an area of 30 square metres is to be installed above a balcony on the fifth floor of an apartment block. As this will be located on other than the ground or first storey level of the building, a building consent is required.

A shade sail is to be erected above a play area at a kindergarten. The proposed shade sail has a total area of 50 square metres and will be located on the boundary. As it will be closer than 1 metre from the legal boundary, the kindergarten will need to obtain a building consent.

A shade sail with an area of 60 square metres is to be installed above an open courtyard at a shopping complex. Since the shade sail will be greater than 50 square metres, a building consent is required.

Other structures

20. Retaining walls

Building work in connection with a retaining wall that:

- (a) retains not more than 1.5 metres depth of ground; and*
- (b) does not support any surcharge or any load additional to the load of that ground (for example, the load of vehicles).*

This exemption allows you to build a retaining wall (which is any wall constructed to retain or support the surrounding ground) without needing to get a building consent as long as it does not retain more than 1.5 metres (vertically) of ground and it includes ground water drainage in relation to retaining walls.

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

- vehicle driveways
- parking spaces
- buildings, or
- sloping ground above the top of the retaining wall (refer to [Figure A, B and C](#) over the page).

Also refer to [exemption 41](#) (retaining walls): this exemption covers building work relating to some retaining walls in rural zones as long as the design is carried out or reviewed by a chartered professional engineer.



ALERT:

If the ground above the top of the retaining wall is only gently sloping, this may not be considered as 'surcharge'. 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; for example, from a chartered professional engineer.

If there is a fall of 1 metre or more from the retaining wall, you may be required to install a safety barrier (under Building Code clause F4 – Safety from falling). Factors to consider include the purpose/use of the retaining wall, how accessible it is, and whether it is frequented by young children.

FIGURE: A

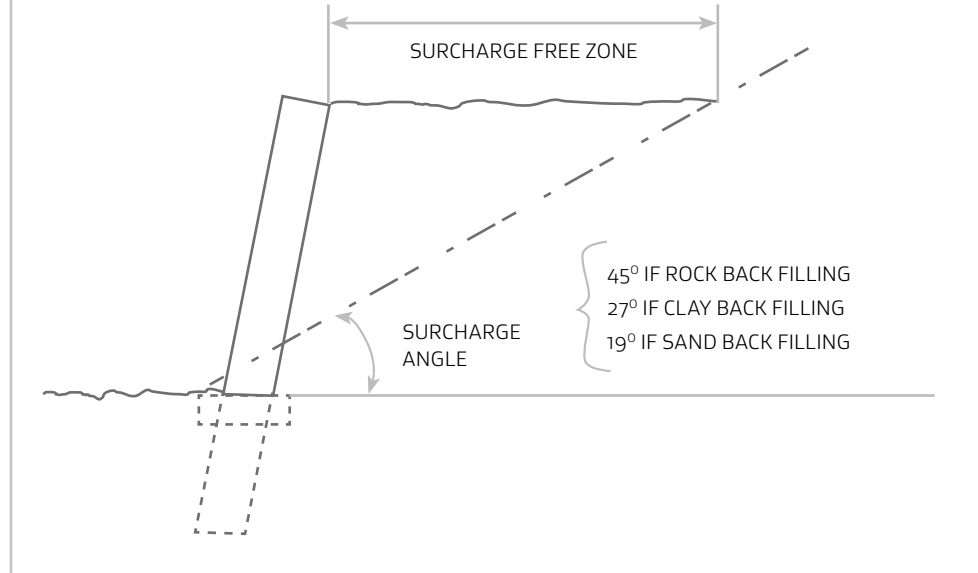


FIGURE: B

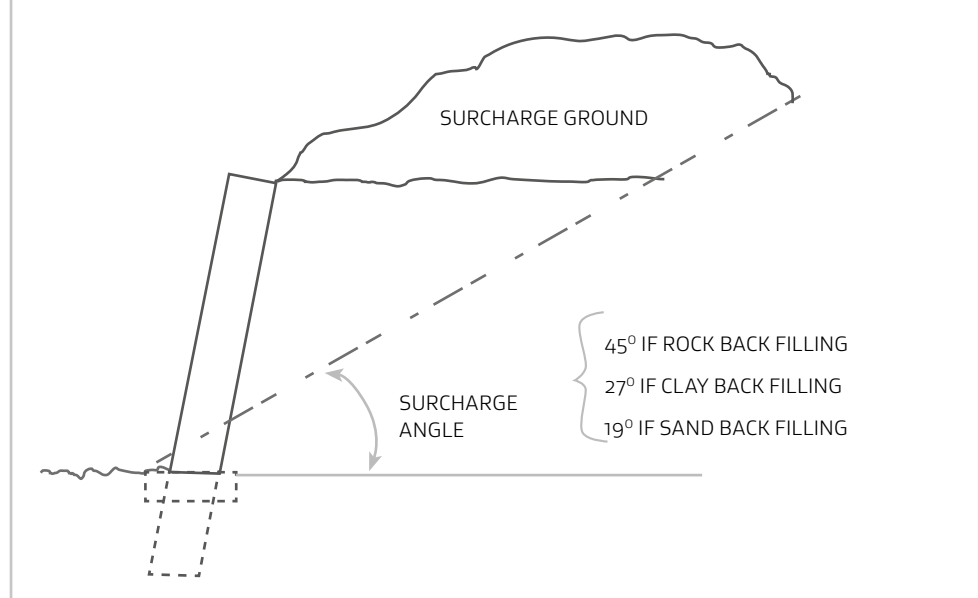
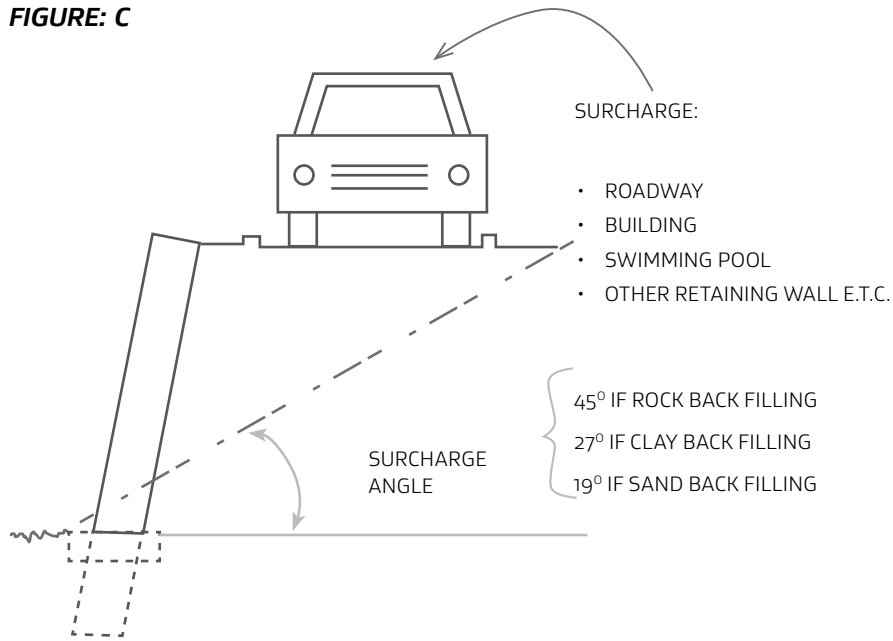


FIGURE: C



Examples where this exemption could apply

A builder plans to reconstruct an earthquake-damaged timber retaining wall that is less than 1.5 metres high. There is no surcharge on the retaining wall.

A motel owner decides to terrace the motel's uphill sloping section by building three 1.2 metre high concrete crib retaining walls to create three level platforms, each of which will be planted. As there will be sufficient horizontal separation between each of the retaining walls so that no surcharge load will be imposed on a lower wall, no building consent will be needed.

Examples where building consent is required

An owner wishes to form a level platform for a garden below a neighbour's driveway. To do this, she intends to construct a 1.2 metre high retaining wall. As the proposed retaining wall is subject to a surcharge from the neighbour's vehicle driveway, 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.

21. Fences and hoardings

1. Building work in connection with a fence or hoarding in each case not exceeding 2.5 metres in height above the supporting ground.
2. Subclause (1) does not include a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987.

Any building work relating to fences (which includes garden walls) and hoardings up to 2.5 metres high is covered by this exemption and will not need a building consent. (Note that fences to spa and swimming pools are outside the scope of this exemption and will require building consent).

Hoardings are often put up around building construction sites and are only there temporarily to ensure public safety during the construction phase.

To check the height of your fence or hoarding against the 2.5 metre limit for this exemption, measure the vertical distance between the top of the structure and the supporting ground directly below.

Note that you will still need to comply with the requirements of the *Fencing Act 1978* for boundary fences. In many cases, district plans made under the *Resource Management Act 1991* may also require you to obtain a resource consent for fences over a certain height (usually over 2 metres).





Examples where this exemption could apply

Constructing a 2.0 metre high concrete block wall along a boundary to create a private back yard.

Building a 2.2 metre high timber paling fence in a back yard to act as a windbreak for a barbeque area.

Installing a 2.4 metre high hoarding around a construction site to ensure public safety.

A concert organiser proposes to erect mesh fencing 1.8 metres high to stop concert goers getting onto the stage.

Examples where building consent is required

A building owner proposes to erect a 3.5 metre high wire mesh fence around his tennis court, well clear of any boundaries. As the fence height is greater than 2.5 metres, a building consent is required.

An owner wants to build a new timber fence with an overall height of 3 metres along the rear boundary of her property. As the fence height is greater than 2.5 metres, she will need to obtain a building consent.

The owner of a residential dwelling intends to extend a 2.8 metre high concrete block wall alongside a neighbouring boundary. As the fence height is greater than 2.5 metres, a building consent is required.

A building owner proposes to erect a new 1.2 metre high fence around her swimming pool. This fence is subject to the *Fencing of Swimming Pools Act 1987*, so a building consent is required.

22. Dams (excluding large dams)

Building work in connection with a dam that is not a large dam.

This exemption allows smaller dams to be built without needing to obtain a building consent. However, they will still need to comply with the Building Code.

A dam is defined in section 7 of the Building Act as meaning

- (a) *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**
- (b) *includes a flood control dam, a natural feature that has been significantly modified to function as a dam and a canal but does not include a stopbank designed to control floodwaters.*

Large dams are **not** covered by this exemption. A large dam is defined in section 7 of the Building Act as meaning a dam that has a height of 4 or more metres and holds 20,000 cubic metres volume of water or other fluid.

This is about the capacity of eight Olympic-sized swimming pools, or a rugby field with water approximately 3 metres deep (ie up to the crossbars of the goal posts).

How the height of the dam is measured differs slightly based on whether the dam is across a stream or not, or if the dam is a canal.

If the dam is across a stream, the height of the dam is the vertical distance from the dam crest to the natural bed of the stream at the lowest downstream outside limit of the dam.

If the dam is not across a stream, the height of the dam is the vertical distance from the dam crest to the lowest elevation at the outside limit of the dam.

If the dam is a canal, the height of the dam is the vertical distance from the dam crest to the invert of the canal.

The dam crest is defined in section 7 of the Building Act as the uppermost surface of the dam, not taking into account any camber allowed for settlement, or any curbs, parapets, guard rails or other structures that are not part of the water-retaining structure. Note that any freeboard is part of the water-retaining structure.



Examples where this exemption could apply

A farmer constructs a water reservoir for crop irrigation. The height of the dam is 3.5 metres and it retains a depth of 2.5 metres over an area of 5,000 square metres (approximately 12,500 cubic metres of water). This is exempt work as the height of the dam is less than 4 metres and the volume of the water that is held back is less than 20,000 cubic metres.

Examples where building consent is required

The height of a proposed dam on a river is 20 metres and it will hold back more than 250,000 cubic metres of water. This work will require a building consent because the dam height is greater than 4 metres and the reservoir volume is greater than 20,000 cubic metres.

23. Tanks and pools (excluding swimming pools)

Building work in connection with a tank or pool and any structure in 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, that:

- (a) does not exceed 500 litres capacity and is supported not more than 4 metres above the supporting ground; or*
- (b) does not exceed 1,000 litres capacity and is supported not more than 3 metres above the supporting ground; or*
- (c) does not exceed 2,000 litres capacity and is supported not more than 2 metres above the supporting ground; or*
- (d) does not exceed 4,000 litres capacity and is supported not more than 1 metre above the supporting ground; or*
- (e) does not exceed 8,000 litres capacity and is supported not more than 0.5 metres above the supporting ground; or*
- (f) does not exceed 16,000 litres capacity and is supported not more than 0.25 metres above the supporting ground; or*
- (g) does not exceed 35,000 litres capacity and is supported directly by ground.*

A building consent is not required for the construction of any tank or pool or its structural support. This is as long as various requirements are met relating to its capacity and height above the ground, as listed in subclauses (a) to (g) of exemption 23. 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

A rural property owner wants to install a 20,000 litre pre-cast concrete tank to collect and store rainwater from the house roof. He proposes to place the tank directly on the ground in a corner of the front garden.

A rural homeowner wants to install a 2,000 litre water storage tank supported 2 metres above the supporting ground.

The owner of a dwelling intends to install a 350 mm deep fishpond in his garden with a capacity of 1,000 litres of water and supported directly by the ground.

Examples where building consent is required

A rural homeowner wants to install a 1,000 litre water storage tank. To improve the water pressure, the owner intends to mount the tank on a steel tank stand. The tank will be supported more than 3 metres above the ground, so a building consent is required.

A motel owner intends to install a proprietary 2,000 litre pool, with a depth of 600mm, in the outdoor landscaped area next to the motel's main entrance. As the pool depth is greater than 400 mm, it is considered to be a pool under the *Fencing of Swimming Pools Act 1987*. Therefore, a building consent is required.

24. Decks, platforms, bridges, boardwalks, etc

Building work in connection with a deck, platform, bridge, boardwalk, or the like from which it is not possible to fall more than 1.5 metres even if it collapses.

A building consent is not required for work on decks, platforms, bridges, boardwalks and like structures where it is not possible to fall more than 1.5 metres.

Note that a safety barrier is still required under Building Code clause F4 – Safety from falling where there is a fall of 1 metre or more.



ALERT:

Always check with your local council to ensure the proposed building work does not have any district planning implications (eg maximum site coverage, yard/setback requirements, daylight access planes and permitted activities). A resource consent may be required and it is important that you obtain this before starting any building work.



Examples where this exemption could apply

A low-level deck is constructed to create a level entry to a dwelling. The deck has a maximum height of 500 mm above ground level.

A building owner constructs a 50 square metre deck with a maximum height of 900 mm above ground and attached to two sides of a building. Even if the deck were to collapse, the fall would be less than 1.5 metres.

The owner of a resort intends to build a boardwalk across some rough ground to give guests access to an ornamental garden and play area. 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 on both sides.

Examples where building consent is required

A home owner wants to construct a platform in conjunction with other landscaping work. The landscaping work will result in a reduced ground level at the rear exit of the building. As the proposed platform will have a finished height above ground level of 1.7 metres, it will require a building consent. (A safety barrier will also be required under Building Code clause F4 as there is a fall of 1 metre or more.)

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. (A safety barrier will also be required under Building Code clause F4 as there is a fall of 1 metre or more.)

25. Signs

Building work in connection with a sign (whether free-standing or attached to a structure) and any structural support of the sign if:

- (a) no face of the sign exceeds 6 square metres in surface area; and
- (b) the top of the sign does not exceed 3 metres in height above the supporting ground level.

The term 'surface area' in subclause (a) of this exemption refers to a single face of the sign. For example, the exemption would allow you to build a freestanding sign (ie a standalone structure) up to 2 metres by 3 metres and displaying information on both sides.

To work out the height of your sign and make sure it is within the 3 metre height limit for this exemption, measure the vertical distance between the highest point at the top of the sign and the lowest point of the supporting ground below the sign.

Note: also refer to [exemption 39](#) (signs) regarding building work for which the design has been carried out or reviewed by a chartered professional engineer.



ALERT:

If you are proposing to put signs on heritage or character buildings or in urban areas, it is important to check with the local council first. There may be restrictions in the council's district plan (made under the *Resource Management Act 1991*) on the type of signs you can construct without first having to obtain a resource consent.



Examples where this exemption could apply

A new 1 square metre sign attached to the side of a building, where the highest point of the sign is no more than 3 metres above the supporting ground level.

A 2 square metre freestanding sign located outside a café, where the highest point of the sign is 2 metres above the ground.

A 4 square metre roadside billboard, where the highest point of the billboard is no more than 3 metres above the supporting ground level.

Examples where building consent is required

Installing a 20 square metre sign that has not been designed by a chartered professional engineer. As the sign is greater than 6 square metres in surface area, a building consent is required.

Replacing a 4 square metre sign attached to a commercial building 6 metres above the supporting ground level. As the sign is more than 3 metres above the supporting ground level, this will require a building consent.

26. Height-restriction gantries

Building work in connection with a height-restriction gantry.

This exemption only applies to height-restriction gantries, such as gantries that restrict vehicles over a certain height from going into a car parking building or beneath an underpass.



Examples where this exemption could apply

Constructing a new height-restriction gantry for a car parking building.

Replacing a damaged wooden height-restriction gantry with a new steel one.

Installing a new height-restriction gantry for a drive-through at a fast food restaurant.

Repairing a height-restriction gantry at a car parking building following impact damage from a vehicle.

Examples where building consent is required

Constructing a pedestrian bridge over a ramp which provides vehicle access to a basement customer car park. Although the bridge limits the height of vehicles that can use the ramp to a maximum of 2.1 metres, the main purpose of the bridge is to allow pedestrians and customers to cross safely over the vehicle ramp. Building a bridge is beyond the scope of this exemption and also of [exemption 24](#), as the bridge will be higher than 1.5 metres. Therefore, this will require a building consent.

27. Temporary storage stacks

Building work in connection with a temporary storage stack of goods or materials.

This exemption allows you to construct any temporary storage stack of goods or materials. Temporary means lasting for only a limited period; for example, you may be stacking materials during the construction period of a building project, or storing and stacking goods while relocating.



Examples where this exemption could apply

A construction firm is moving location to partially completed new premises. It proposes to erect a temporary 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.

While a new building is being constructed, the builders stack metal roofing materials on a timber base to keep the material off the ground until it is ready to use.

Examples where building consent is required

Owners of a joinery factory want to construct a 4 metre high racking system to store materials for use in manufacturing aluminium windows. They intend to use this racking system indefinitely. This work would not be considered temporary so will require a building consent.

A supermarket owner wishes to extend the racking systems used to store food. This work requires a building consent as the racking system is permanent.

28. Private household playground equipment

Building work in connection with playground equipment if:

- (a) the equipment is for use by a single private household; and
- (b) no part of the equipment exceeds 3 metres in height above the supporting ground level.

Playground equipment can be built to a maximum height of 3 metres for use by a single private household under this exemption.

Building work relating to playground equipment on publicly accessible sites is not covered by this exemption. However, it may fall under [exemption 42](#) (certain public playground equipment).



Examples where this exemption could apply

Owners of a dwelling intend to install a playhouse and slide in their garden for their 4 year old child. The highest part of the equipment is less than 3 metres above the supporting ground.

Examples where building consent is required

Homeowners 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 supporting ground, and therefore requires a building consent.

Network utility operators or other similar organisations

29. Certain structures owned or controlled by network utility operators or other similar organisations

Building work in connection with a motorway sign, stopbank, culvert for carrying water under or in association with a road, or other similar structure that is:

- (a) a simple structure; and*
- (b) owned or controlled by a network utility operator or other similar organisation.*

The purpose of this exemption is to allow building work on certain infrastructure to be carried out.

In many cases, this building work is located on public land and it often crosses territorial authority boundaries.

This type of building work is usually designed, constructed, maintained and supervised by professionals within the industry and/or government agencies known as network utility operators (NUOs) – refer to the glossary at the back of this document.



Examples where this exemption could apply

A new motorway off-ramp has been built and it is proposed to put up a motorway sign to direct vehicles. As the sign is owned by an organisation similar to an NUO, it will not require a building consent.

A NUO proposes to build a culvert under a road to alleviate local flooding during heavy rainfall.

Examples where building consent is required

A NUO proposes to build a new office for employees at its sewerage treatment plant. This office would not be considered a simple structure and requires a building consent.

Demolition

30. Demolition of detached building

The complete demolition of a building that is detached and is not more than 3 storeys.

This exemption has been expanded from the previous exemption (I) to allow the full demolition of all detached buildings up to 3 storeys high whether or not they are damaged. However, partial demolition is no longer exempt from building consent, other than as permitted by exemption 31.

If you are considering demolishing an existing building under this exemption, we recommend that you also consider the following:

- terminating services such as water, sewer, and stormwater by capping and sealing them inside the boundary
- contacting the relevant service authorities to advise them of the extent of your work: this includes electricity, gas, drainage, water, transport, telecommunications, cable television and any other services that may be affected
- handling and disposing of hazardous building materials
- controlling silt runoff, excess noise and dust generated by the demolition work, and
- securing the site (eg with a temporary fence or hoardings) to restrict public access to the area and avoid injury to members of the public.



ALERT:

As a building owner, you should also check council requirements for the repair and reinstatement of any damage to the road reserve.

We recommend that you use skilled and professional building practitioners for major demolition work.

No demolition work should be undertaken on heritage or character buildings without first checking with your local council for its approval.



Examples where this exemption could apply

Following an earthquake, the owner decides to demolish her severely damaged 2 storey, detached family home.

The new owner of an old wooden single storey, detached holiday home plans to demolish it to make way for his new dream holiday home.

Examples where building consent is required

Following a fire, a shop owner decides to demolish his damaged shop which is attached to another building (ie it is semi-detached) that is not damaged. A building consent is required because the building is not detached.

To make way for a new apartment block, the owner of a 4 storey commercial building intends to demolish it. A building consent is required because the building is more than 3 storeys.

31. Removal of building element

The removal of a building element from a building that is not more than 3 storeys, provided that the removal does not affect:

- (a) the primary structure of the building; or*
- (b) any specified system; or*
- (c) any fire separation.*

This exemption has been inserted in response to the partial demolition of buildings that had to be undertaken to allow repairs to damaged buildings after the Canterbury earthquakes of 2010/2011.

It applies to the removal of a building element (eg a chimney or roof, including cladding) rather than to the complete demolition of a building.

This exemption is limited to any building up to 3 storeys high as long as the removal does not affect the primary structure, any specified system or any fire separation (which includes firewalls protecting other property).

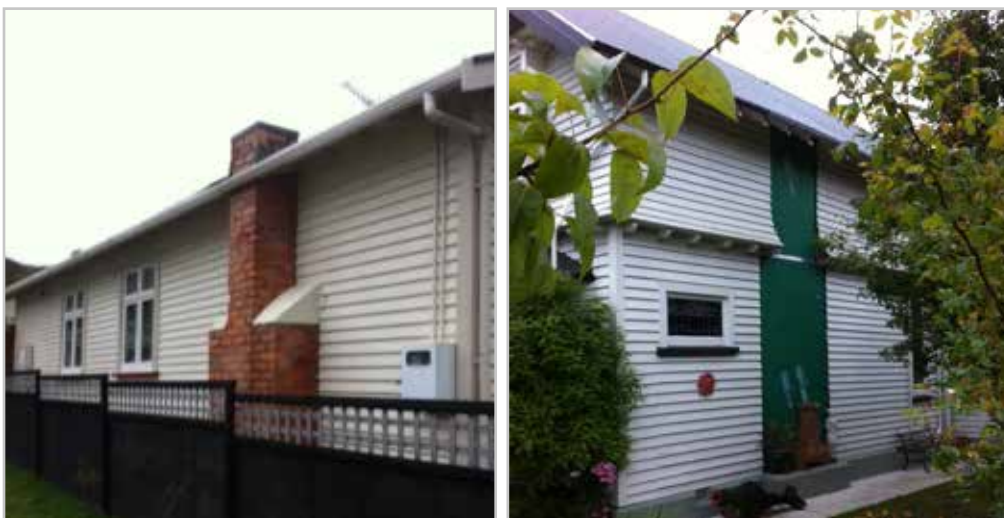
Note that any repair work associated with removing a building element can be done under [exemption 1](#) (repairs, maintenance, and replacement). For example, removing an external chimney will require the making good of the gaps left in the wall and roof claddings.



ALERT:

All new building work must comply with the Building Code, including with its structural performance requirements. Also note that, on completion of the building work, the altered building must comply with the Building Code to at least the same extent as it did before the building work was undertaken.

If you are considering building work that is close to or involves potentially load-bearing walls, it is important to get professional advice (eg from a chartered professional engineer, registered architect, building consultant or registered building surveyor).



Examples where this exemption could apply

Removing all non-load-bearing masonry walls (internal and external) in a 3 storey commercial building, except those that are fire separations.

A home owner proposes to reduce the likelihood of earthquake damage to his house by completely removing a brick chimney located on an external wall. A designer inspects this and advises the owner that the chimney building element is independent of the house's primary structure.

A building owner wishes to demolish the upper portion of a chimney (ie above the roof) of a redundant fireplace so as to reduce possible property damage in the event of an earthquake.

Examples where building consent is required

A home owner wishes to completely demolish an internal masonry chimney between the dining and living rooms. A builder inspects the roof space and finds that the chimney is load-bearing as it supports some of the roof rafters and ceiling joists. As removing the chimney will affect the primary structure of the house, the proposed building work will require a building consent.

An owner of a 3 storey office and retail building wants to reduce the risk of injuring office occupants on the middle floor in any future earthquake. He proposes to entirely remove the suspended ceiling grid which supports the heavy fibrous plaster tiles and expose the underside of the upper floor slab. Since the building has a heat detection emergency warning system, the proposed removal of the building element (ie the suspended ceiling) will affect this specified system. Therefore a building consent will be required to do this work.

Part 2: Sanitary plumbing and drainlaying carried out by person authorised under Plumbers, Gasfitters, and Drainlayers Act 2006

Part 2 covers exemptions that only apply if an authorised person carries out the building work. The term 'authorised person' is defined in section 42A(3) of the Building Act and effectively covers:

- registered certifying plumbers and drainlayers
- registered plumbers and drainlayers working under supervision
- plumbers and drainlayers with a provisional licence working under supervision, and
- trainee plumbers and drainlayers working under supervision.

There are seven exemptions in Part 2 in two broad categories:

- plumbing and drainage
- water heaters.

Note: The general conditions and limits of section 42A of the Building Act also apply to all Schedule 1 exemptions.



ALERT:

It is recommended that you, the owner, should verify before any work commences, that the plumber and/or drainlayer you propose to use has current authorisation from the Plumbers, Gasfitters, and Drainlayers Board. This can be done by asking to see their authorisation card, and/or by checking the [online public register of plumbers, gasfitters and drainlayers](#).

Plumbing and drainage

32. Repair, maintenance, and replacement

1. *The repair and maintenance of any sanitary plumbing and drainage in or associated with a building, provided that comparable materials are used.*
2. *Replacement of sanitary plumbing and drainage in or associated with a building, provided that:*
 - (a) *a comparable component or assembly is used; and*
 - (b) *the replacement is in the same position.*
3. *However, subclauses (1) and (2) do not include the following building work:*
 - (a) *complete or substantial replacement of a specified system; or*
 - (b) *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*
 - (c) *repair or replacement of any water heater (unless permitted under clauses 36 to 38).*

This exemption enables a range of work relating to the repair, maintenance and replacement of sanitary plumbing or drainage to be done without a building consent – as long as it is carried out by an authorised person (refer to the glossary).

For repairs and maintenance, comparable materials must be used. For replacement work, comparable components or assemblies can be used providing the replacement is in the same position.



Examples where this exemption could apply

Replacing an existing sanitary fixture with another comparable fixture in the same position (eg replacing a vanity with a vanity, or replacing a toilet pan and cistern with a close-coupled toilet suite).

Repairing a septic tank effluent disposal system.

A section of glazed earthenware foul water drain is damaged in an earthquake and requires replacement. The drainlayer proposes to replace the damaged section with uPVC. This is considered to be a comparable component.

Repairing a valve associated with a hot water system or replacing it with a comparable valve.

Examples where building consent is required

A commercial building owner needs to replace a backflow preventer (reduced pressure zone device). As an automatic backflow preventer is a specified system and the work involves a complete replacement, a building consent is required.

Replacing a leaking potable water supply pipe which has failed to meet its Building Code durability requirements.

33. Drainage access points

The opening and reinstatement of any purpose-made access point within a drainage system that is not a NUO system or part of a NUO system.

This exemption covers work to drains via a purpose-made access point and carried out by an authorised person (refer to the glossary).



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.

Examples where building consent is required

A multi-storey apartment building has a blocked drain and no access points can be found. The owner is informed that several access chambers will need to be installed for future access. As this involves more than opening and reinstating access points (ie it is outside the scope of this exemption) and since it is not considered minor drain alterations (ie it is also outside the scope of [exemption 34](#) – minor alteration to drains), a building consent is required.

34. Minor alteration to drains

1. *Alteration to drains for a dwelling if the alteration is of a minor nature, for example, shifting a gully trap.*
2. *Subclause (1) does not include making any new connection to a service provided by a network utility operator.*

This exemption only relates to dwellings and enables an authorised person (refer to the glossary) to alter existing private drainage without needing a building consent. This sort of building work usually occurs during alterations to existing bathrooms, kitchens, laundries or toilets.

New connections to public drainage are specifically excluded from this exemption.



Examples where this exemption could apply

A homeowner instructs the plumber to relocate the kitchen sink to an adjacent wall (refer to [exemption 35](#) – Alteration to existing sanitary plumbing (excluding water heaters)). 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 dwelling's bathroom (refer to [exemption 35](#)) and is reconnected 1 metre downstream from the previous drain connection.

Installing a new access or rodding point for unblocking drains.

Capping a branch drain following the removal of sanitary fixtures from an outbuilding associated with a dwelling.

A NUO has provided a new sewer lateral connection at the boundary of an existing dwelling and capped the previous lateral. The owner's drainlayer reroutes a 2 metre length of drain to reconnect to the new NUO lateral.

Examples where building consent is required

A dwelling's branch drain is intended to be extended 16 metres. This will trigger the requirement for venting under Building Code clause G13 – Foul water, as the branch drain will exceed 10 metres. The length and venting requirements of the drain are more than a minor alteration, so a building consent is required.

A motel owner plans to reconfigure his laundry, which includes adding another laundry tub. As a consequence, the main drain will need to be extended by several metres around the perimeter of the building. Although the drain extension is minor, the installation of an additional sanitary fixture (ie the laundry tub) is outside the scope of [exemption 35](#). Furthermore, as the building is not a dwelling, it is not covered by this exemption and a building consent is required.

The owner's drainlayer proposes to reposition a dwelling's drain connection into the NUO drain which traverses the property and is covered by an easement on the title. A building consent will be required as this is a new connection to a NUO drain.

35. Alteration to existing sanitary plumbing (excluding water heaters)

1. Alteration to existing sanitary plumbing in a building, provided that:
 - (a) the total number of sanitary fixtures in the building is not increased by the alteration; and
 - (b) the alteration does not modify or affect any specified system.
2. Subclause (1) does not include an alteration to a water heater.

This exemption enables an authorised person (refer to the glossary) to carry out alterations to sanitary plumbing. However, this is only as long as these alterations do not increase the number of sanitary fixtures within any existing building and they do not modify or affect any specified system.



ALERT:

If you are not sure if this exemption applies to your proposed building work, we recommend that either you seek an **exemption 2** from the council or you apply for a building consent rather than risk applying it incorrectly.

Alterations to water heaters are specifically excluded from this exemption. However, there is still some building work in relation to water heaters which does not require a building consent: this is covered in the next three exemptions (exemptions 36, 37 and 38).



ALERT:

Any plumbing work under this exemption must be carried out by an authorised person, (refer to the glossary), otherwise it is not exempt work.

Where sanitary plumbing work could adversely affect the structural performance of structural elements such as floor joists or wall framing, this work may require a building consent. If you are not sure, we recommend seeking professional advice first (eg from a licensed building practitioner, chartered professional engineer, registered architect, building consultant, registered building surveyor or accredited building consent authority).



Examples where this exemption could apply

Repositioning or replacing sanitary fixtures (eg a bath, bidet, wash hand basin, shower or toilet pan) within an existing bathroom in a dwelling.

Moving a toilet pan from a toilet compartment into an adjacent existing bathroom in a dwelling.

A home owner proposes to remodel an existing kitchen within the same space, leaving the kitchen sink in the same position.

An existing laundry tub in a dwelling will be moved to a new location within the adjacent kitchen.

Relocating, removing or shifting an existing hose tap.

Removing a bath with a shower over it, and replacing this with a new proprietary shower enclosure and a new bath within the existing bathroom space. As the existing bath/shower arrangement has two sanitary fixtures, each fixture can be replaced and relocated without the need for a building consent.

Examples where building consent is required

Installing a tiled wet area shower will require a building consent. This is because it will involve critical building work that is not sanitary plumbing, such as carpentry and installing waterproof membranes.

Moving a vanity, bath and shower within an apartment of a multi-level building. This building work involves new penetrations through a fire separation, which is a specified system.

An ensuite is proposed which includes the addition of a shower, hand basin and toilet. These sanitary fixtures are additional to those that already exist in the building, so a building consent is required.

A restaurant owner decides to increase the number of sanitary fixtures to allow for increased customer capacity. This building work will require a building consent.

Installing a new testable backflow prevention device in a building (that is not a dwelling). As this device is a specified system, a building consent is required and the compliance schedule will also need to be amended.

Water heaters

36. Repair and maintenance of existing water heater

The repair or maintenance of any existing water heater using comparable materials, comparable components, or a comparable assembly.

This exemption enables an authorised person (refer to the glossary) to repair and maintain water heaters associated with buildings. Any repair work must use comparable materials, comparable components or a comparable assembly.

To replace or reposition an existing water heater refer to exemptions 37 and 38.



Examples where this exemption could apply

Repairing a leaking open-vented water storage heater.

Repairing a valve-vented water storage heater.

Replacing sacrificial anodes.

Repairing valves associated with water heaters (refer to [exemption 32](#) – repair, maintenance, and replacement).

Repair or maintaining solar collectors.

Examples where building consent is required

While repairing his existing (open-vented) storage water heater, the homeowner decides to replace the existing wood burner and wetback system. As replacing the wood burner and wetback is not considered to be repairs or maintenance, the building work requires a building consent.

37. Replacement of open-vented water storage heater connected to supplementary heat exchanger

The replacement of any water-storage heater connected to a solid-fuel heater or other supplementary heat exchanger if the replacement:

- (a) is a comparable open-vented water storage heater; and*
- (b) is fixed in the same position, and uses the same pipework, as the replaced water storage heater.*

This exemption enables an authorised person (refer to the glossary) to replace open-vented water storage heaters associated with existing supplementary heat exchangers (eg wetbacks or solar collection panels). The replacement water storage heater must be comparable and in the same position.



Examples where this exemption could apply

Open-vented water storage heater with solar collection

Replacing an open-vented water storage heater with an open-vented water storage heater (eg electric to electric, gas to gas, electric to gas, or gas to electric) in the same position, using the same pipe work and connected to solar collectors.

Open-vented water storage heater with wetback

Replacing an open-vented water storage heater with another open-vented water storage heater in the same position, using the same pipe work and connected to a solid-fuel heater wetback.

Open-vented water storage heater with heat pump

Replacing an external water storage heater with a heat pump water storage heater (eg replacing an open-vented water storage heater with another open-vented storage heater) in the same position, using the same pipe work and connected to a heat pump.

Examples where building consent is required

Replacing an open-vented water storage heater with a valve-vented water storage heater. As the water-storage heaters are not comparable, a building consent will be required.

Replacing and relocating an open-vented water storage heater and reconnecting it to the existing wood burner with a wetback. As the replaced water storage heater will not be fixed in the same position, a building consent is required.

Replacing an open-vented water storage heater and adding a wetback where there was no wetback before.

Adding a roof-mounted solar collection panel which will be connected to an existing open-vented water storage heater.

38. Replacement or repositioning of water heater that is connected to, or incorporates, controlled heat source

The replacement of any water heater (including the repositioning of an existing water heater) if the replacement water heater is connected to, or incorporates, a controlled heat source or, if connected to or incorporating more than 1 heat source, 2 or more heat sources all of which are controlled.

This exemption enables an authorised person (refer to the glossary) to **replace** and/or **reposition** an existing water heater (of any type), as long as all the heat sources of the replaced or repositioned water heater are controlled. This exemption will not apply if a water heater has a heat source that is not controlled (eg a wetback connected to a solid-fuel heating appliance, or a solar thermosiphon system).

A controlled heat source has controls or devices that ensure the water temperature in the storage tank is no greater than 90°C.



ALERT:

If the proposed scope of the building work is outside the scope of this or any other exemption (eg adding solar collectors to an existing water storage heater, which has provision for solar connection and is not being replaced or repositioned), we suggest that you consider applying to the council for an [exemption 2](#). The council can then decide whether or not it will require a building consent. Before doing this, we recommend that you talk to the council to gauge whether or not it is prepared to exercise its discretion under exemption 2 on your project.

Any repair or maintenance of part of a water heater (which may include the replacement of a component of the water heating system) falls outside the scope of this exemption. Exemption 36 deals with repairs or maintenance of part of a water heater.

Replacing a hot water cylinder which is connected to an existing wetback falls outside this exemption (refer to exemption 37 for open-vented systems).



Examples where this exemption could apply

Water storage heaters

- Replacing an existing valve-vented water storage heater with a thermostatically controlled valve-vented water storage heater (eg electric to electric, gas to gas, electric to gas, or gas to electric).
- Repositioning an existing valve-vented water storage heater that has a controlled heat source.
- Replacing an existing open-vented water storage heater with a valve-vented water storage heater that has a controlled heat source.
- Repositioning an open-vented water storage heater, when in the new position it is connected to a controlled heat source.

Solar water storage heaters

- Replacing and/or repositioning an existing water storage heating system comprising a water storage heater that includes controlled solar collectors.
- Replacing or repositioning an existing electric or gas water storage heater with a water storage heater system that includes controlled solar collectors.

Heat pump water storage heaters

- Replacing a water storage heater with a heat pump water storage heater.
- Replacing and repositioning an internal water storage heater with an external heat pump water storage heater.
- Replacing an external water storage heater with an external heat pump water storage heater.

Instantaneous water heaters

- Replacing or repositioning an instantaneous water heater that is thermostatically controlled.
- Replacing an existing storage water heater with a gas instantaneous water heater.

Examples where building consent is required

Adding a solar collector to an existing water storage heater (even if the existing water storage heater has provision for solar connection). A building consent is required because this exemption only covers replacement or repositioning of existing water heaters.

Adding a wetback (not a replacement wetback) connected to a water storage heater. A building consent is required because this exemption only covers replacement or repositioning of existing water heaters. Also the wetback is an uncontrolled heat source.

Adding a split heat pump (not a replacement split heat pump) to an existing water storage heater. A building consent is required because this exemption only covers replacement or repositioning of existing water heaters.

Part 3: Building work for which design is carried out or reviewed by chartered professional engineer

The five exemptions in Part 3 relate to building work for which the design is either carried out or reviewed by a chartered professional engineer. This is a professional engineer registered by the Institution of Professional Engineers New Zealand (IPENZ). To qualify for this registration, engineers must be able to demonstrate the required level of competence.

Note: The general conditions and limits of section 42A of the Building Act apply to all Schedule 1 exemptions.



ALERT:

It is recommended that you, the owner, should verify the current registration status of the engineer you propose to use before any design work commences. This can be done by checking the [IPENZ online public register](#).

39. Signs

Building work in connection with any sign (whether freestanding or attached to a structure), and any structural support of the sign.

Unlike [exemption 25](#) which also relates to signs, this exemption places no restriction on size or height above the supporting ground as long as the design of the sign, including mounting and any foundation details, has been carried out or reviewed by a chartered professional engineer.



ALERT:

If you are proposing to put signs on heritage or character buildings or in urban areas, it is important to check with the local council first. There may be restrictions in the council's district plan (made under the *Resource Management Act 1991*) on the type of signs you can construct without first having to obtain a resource consent.



Examples where this exemption could apply

Any sign designed by a chartered professional engineer.

Examples where building consent is required

Installing a 20 square metre sign that has not been designed or reviewed by a chartered professional engineer. The sign is not covered by this exemption as a chartered professional engineer was not involved. It is also too large to be covered by [exemption 25](#), so its installation will require a building consent.

40. Plinths

Building work in connection with any plinth or similar foundation if the plinth or foundation supports plant, a tank, equipment, machinery, or any similar item.

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, or large statues). It acknowledges the fact that requiring a building consent when the plinth has already been designed by a chartered professional engineer would add compliance costs (which are usually disproportionate to the construction costs) for little benefit.



Examples where this exemption could apply

Constructing a plinth (designed by a chartered professional engineer) for a tank.

A company plans to build a concrete base to support heavy machinery in a plant room. The base design has been reviewed by a chartered professional engineer.

Examples where building consent is required

Constructing a reinforced concrete base (not designed or reviewed by a chartered professional engineer) for several stainless steel holding vats in a winery. A building consent is required because the design was neither designed nor reviewed by a chartered professional engineer.

41. Retaining walls

1. Building work in connection with a retaining wall in a rural zone, if:
 - (a) the wall retains not more than 3 metres depth of ground; and
 - (b) the distance between the wall and any legal boundary or existing building is at least the height of the wall.
2. In subclause (1), rural zone means any zone or area (other than a rural residential 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, or rural environment, or by words of similar meaning.

This exemption extends what is allowable without a building consent under [exemption 20](#) – retaining walls.

It also exempts retaining walls designed or reviewed by a chartered professional engineer of up to 3 metres and in a rural zone as long as they are not too close from the boundary or existing buildings (refer to subclause (1)(b)).

This exemption recognises that in low density rural zones (eg on farms) the consequences of failure of any retaining wall are less likely to cause injury than they would be in higher density urban environments. The additional requirement for a chartered professional engineer to be involved also helps to make sure that retaining walls covered under this exemption are less likely to fail.

Note: If there is a fall of at least 1 metre, a safety barrier may be required under Building Code clause F4 – Safety from falling.



Examples where this exemption could apply

Constructing a retaining wall on a rural property that is 2.5 metres high, 3 metres away from an existing dwelling, and is designed by a chartered professional engineer.

A farmer decides to rebuild an earthquake-damaged retaining wall on his rural property that is 3 metres high and located 6 metres away from a legal boundary. The wall design has been reviewed by a chartered professional engineer.

Examples where building consent is required

Constructing 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.

Constructing a retaining wall on a rural property that is 3 metres high and 5 metres away from the property boundary which has been 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 has not been designed or reviewed by a chartered professional engineer.

42. Certain public playground equipment

Building work in connection with playground equipment if the work is for a government department, Crown entity, licensed early childhood centre, territorial or regional authority, or other similar public organisation.

This exemption recognises that the building consent process would add disproportionately high compliance costs and limited value in cases where certain public playground equipment is either designed or reviewed by a chartered professional engineer.

This exemption applies to playgrounds under the control of certain public or licensed organisations that already have strong incentives to operate systems to make sure public safety concerns are well managed.



Examples where this exemption could apply

New playground equipment, designed by a chartered professional engineer, in an existing or new licensed childcare centre.

A primary school installs new playground equipment, where the design has been reviewed by a chartered professional engineer.

Examples where building consent is required

New playground equipment at an existing childcare centre not designed or reviewed by a chartered professional engineer.

43. Removal of sign, plinth, retaining wall, or public playground equipment

The removal of any of the structures referred to in clauses 39 to 42, whether or not the design of the structure has been carried out or reviewed by a chartered professional engineer.

This exemption was introduced to cover the removal of signs, plinths, retaining walls, or public playground equipment because their removal is not included in the respective exemptions 39 to 42.



Examples where this exemption could apply

Removing a 75 square metre billboard/sign from the side of a multi-storey apartment building.

Removing a retaining wall to make way for constructing a new garage.

Following the purchase of a property, the new owner of a licensed childcare centre decides to remove a 4.5 metre high slide constructed by the previous owner.

Examples where building consent is required

Removing a 4 metre high rural retaining wall which is supporting other structures (eg a driveway and building) would require a building consent because the height exceeds 3 metres.

Further information

Links to earlier legislation

To check whether or not earlier building work on a property was covered by an exemption, you need to refer to the legislation in force at the time.

Schedule 1 of the *Building Act 2004* has been issued and amended on the following dates:

- 28 November 2013 (the current version)
- 23 December 2010
- 16 October 2008, and
- 24 August 2004.



You can download these versions at: www.legislation.govt.nz/act/public/2004/0072/latest/versions.aspx?av=True



Before the *Building Act 2004* was enacted, the *Building Act 1991* was the relevant legislation: its Third Schedule (Exempt buildings and building work) was similar to the current Act's Schedule 1. You can download this at: www.nzlii.org/nz/legis/hist_act/ba19911991n150118/

NOTE:

We have included these links after feedback from building officials, who report that they get regular visits from home buyers and real estate agents wanting to view earlier versions of the legislation and asking council advice whether or not building work undertaken at a given time was exempt. We hope that providing this information will be helpful for both parties.

Useful links

Websites:

- www.dbh.govt.nz
- Building Code: www.dbh.govt.nz/the-building-code
- Technical reviews: www.dbh.govt.nz/technical-reviews
- Determinations: www.dbh.govt.nz/building-index
- www.standards.co.nz

Sources of professional advice include:

- Registered architect: www.nzia.co.nz
- Chartered professional engineer: www.ipenz.org.nz
- Licensed building practitioner (relevant licence class): www.lbp.govt.nz
- Registered building surveyor: www.buildingsurveyors.co.nz
- Building consent authority within your local council (district or city): www.localcouncils.govt.nz
- Registered certifying plumber and/or drainlayer: www.pgdb.co.nz
- Building consultant
- Solicitor.

Map to previous Schedule 1 clauses

This table is for those familiar with the previous version of Schedule 1 (23 December 2010) and wanting a quick reference to the new location of particular exemptions (clauses).

Previous Schedule 1 clause(s) (December 2010 version)	Corresponding clause(s) (November 2013 version)
(a)	1, 32, 36, 37, 38
(ab)	33
(ac)	34
(ad)	35
(ae)	8
(af)	9
(ag)	10

Previous Schedule 1 clause(s) (December 2010 version)	Corresponding clause(s) (November 2013 version)
(ah)	12
(b)	29
(ba)	25, 39
(bb)	26
(c)	20
(ca)	11
(d), (daa)	21
(da)	22
(db)	41
(e)	23
(f), (fa), (fb)	5
(g), (ga)	24
(gb)	40
(gc)	5
(h)	27
(i) (i-iii)	4
(i) (iv)	3
(j)	15
(ja), (jab)	16
(jb)	6
(jc), (jd)	17
(je)	19
(jf)	18
(jg)	13

Previous Schedule 1 clause(s) (December 2010 version)	Corresponding clause(s) (November 2013 version)
(jh)	14
(ji) (i)	42
(ji) (ii)	28
(k)	2
(l)	30, 31
(m)	7
(n)	43

Glossary

We have included some useful definitions and abbreviations below. For more definitions, refer to the [Building Code Handbook](#).

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.
Authorised person	An authorised person is defined in the <i>Building Act 2004</i> section 42A(3) and is: <ul style="list-style-type: none"> • a registered certifying plumber or drainlayer, or • a plumber or drainlayer who carries out the work under the supervision of a registered certifying plumber or drainlayer – as long as he/she: <ul style="list-style-type: none"> - is registered, or - holds a provisional licence, or - is under training.
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.
Building Act	<i>Building Act 2004</i> .
Building Code	Schedule 1 of the Building Regulations 1992 .
Building element	Any structural or non-structural component and assembly incorporated into or associated with a building. This includes fixtures, services, drains, permanent mechanical installations for access, glazing, partitions, ceilings and temporary supports.
Building work	Refer to Section 7 of the Building Act 2004 .
Canopy	Projecting hood supported on brackets, corbels or columns over a door, window or niche. (This definition is taken from the Standards New Zealand publication NZMP 4212:1998 Glossary of building terminology).

Carport	A roofed structure for motor vehicle storage with at least one side fully open to the outdoors.
Certificate of acceptance	A certificate for building work issued by a territorial authority under Section 96 of the <i>Building Act 2004</i> .
Chartered professional engineer	A professional engineer registered by the Institution of Professional Engineers New Zealand Incorporated (IPENZ).
Comparable materials	Materials with similar properties having in-situ performance in terms of the Building Code that is not less than that of the existing materials. (Also refer to B2/VM1 re 'similar materials').
Component	A part of an assembly.
Dam	As defined in section 7 of the Building Act, a dam: <ul style="list-style-type: none"> (a) means an artificial barrier, and its appurtenant structures, that <ul style="list-style-type: none"> (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 (b) includes: <ul style="list-style-type: none"> (i) a flood control dam; and (ii) a natural feature that has been significantly modified to function as a dam; and (iii) a canal; but (c) does not include a stopbank designed to control floodwaters.
Determination	A binding decision made by the Ministry that provides a way of solving disputes or questions about the rules that apply to buildings, how buildings are used, building accessibility, health and safety. The law that covers determinations is the <i>Building Act 2004</i> (sections 176-190).
IPENZ	Institution of Professional Engineers New Zealand Incorporated.

Exempt	Used in this guide to refer to building work that does not require a building consent; in particular, under one or more of the clauses in Schedule 1 of the <i>Building Act 2004</i> .
Finishes	Coatings and paints used to protect the surface of a particular material.
Fixture	An article intended to remain permanently attached to, and form part of, a building.
Height-restriction gantry	Overhead structure which 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. (This definition is taken from the compliance document F5/AS1 for Building Code clause F5 – Construction and demolition hazards.)
HSNO Act	<i>Hazardous Substances and New Organisms Act 1996</i> .
Lawful repair	Repairs that comply with the Building Code and other legislation.
Linings	The rigid sheet covering for a wall, ceiling or interior surface.
Maintenance	Lawful repair using comparable materials in the same position to replace something that wore out through normal wear and tear.
Ministry	Ministry of Business, Innovation and Employment.
Net floor area	The total usable floor area in a building, measured to the inside of the enclosing walls.

Network utility operator (NUO)	<p>As defined in section 7 of the Building Act, a person who:</p> <ul style="list-style-type: none"> (a) <i>undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or</i> (b) <i>operates or proposes to operate a network for the purpose of:</i> <ul style="list-style-type: none"> (i) <i>telecommunication as defined in section 5 of the Telecommunications Act 2001; or</i> (ii) <i>radiocommunications as defined in section 2(1) of the Radiocommunications Act 1989; or</i> (a) <i>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</i> (b) <i>undertakes or proposes to undertake the distribution of water for supply (including irrigation); or</i> (c) <i>undertakes or proposes to undertake a drainage or sewerage system.</i>
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.
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. (This definition is taken from the Standards New Zealand publication NZMP 4212:1998 Glossary of building terminology)
Primary structure	Building elements that are intended to contribute to the building's ability to withstand vertical or horizontal loads (eg its beams, bracing, columns, foundations, roof, sub-floor framing and walls).
Regional authority	A regional council or a unitary authority (refer to Section 7 of the Building Act 2004).
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 similar wording.
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.
Specified system	Refer to Section 7 of the Building Act 2004 .
Supplementary heat exchanger	A device built for efficient heat transfer from one medium to another.

Supporting ground	Ground which 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 and relatively short period of time.
Territorial authority	Refer to Section 7 of the Building Act 2004 .
Veranda	A roofed space extending from a building. (This definition is taken from the Standards New Zealand publication NZMP 4212:1998 Glossary of building terminology)
Water storage heater	A water tank with an integral water heater for the storage of hot water.
Wet area shower	A shower with a floor that is a continuation of the bathroom floor rather than a separate raised shower tray or cubicle. Also known as a level entry shower.

