

This document explains issues related to exempt building work under Schedule 1 of the Building Act 2004 (the Building Act). If you are intending to start a building project, it is recommended that you check whether the building work requires a building consent. If the work, or part of it, does not require a consent you may save time and money.

Building owners are generally required to obtain a building consent from a building consent authority to carry out building work. In practice a builder, designer or architect acting as the owner's agent may also obtain a consent on behalf of the building owner. The consent is necessary to ensure that proposed building work complies with the New Zealand Building Code (e.g. building, plumbing, fire and accessibility requirements) and is therefore, safe, sanitary and otherwise suitable for its intended use.

The Building Act does allow a limited range of building work to be carried out without a building consent. Such 'exempted work' is listed in Schedule 1 to the Building Act.

### **Why were the exemptions included in the Building Act?**

Because the Building Act covers such a broad range of building work, it was anticipated that some low risk building work should not be subject to the normal requirements of the building consent approval process. Exempted works are generally works that will not impact on the structural integrity or safety components of the building. For example, repair and maintenance work is exempt provided the work is lawful and comparable materials are used; or the work is a replacement with a comparable component or assembly in the same position. However, even exempt building work must comply with the Building Code.

### **Seeking advice on exempted building work**

Obtaining a building consent for building work is the responsibility of the building owner. It is important therefore to obtain good advice before deciding that the building work is covered by the exemption provisions set out in the Schedule 1.

If you are experienced in the building industry, and understand the technical requirements of the Building Act and the New Zealand Building Code, you should easily recognize whether exemptions apply to your project. If you are unsure, however, then you should contact your local building consent authority (your local city or district council) for advice. Building consent authorities have a wide range of building control expertise and information about exemptions and the building consent process.

All building work (regardless of the need for a building consent) must comply with the Building Code.

While the Building Act provided for exemptions there might be other laws that you need to comply with. These include but are not limited to the following:

- the Building Code
- the Resource Management Act 1991
- the Plumbers, Gasfitters and Drainlayers Act 1976
- the Electricity Act 1992
- the Health Act 1956
- and local government bylaws

### **Further information**

If you have any further questions about exempted building work, or are uncertain whether the work you wish to undertake is exempt work, you should contact your local building consent authority (city or district council).

Even though some work may be exempt under Schedule 1, owners may wish to submit records of the changes to the building consent authority to be placed on the property file.

## **Schedule 1 to the Building Act 2004 – Exempt building works (with additions in force on 16 October 2008)**

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

- (a) any lawful repair and maintenance using comparable materials, or replacement with a comparable component or assembly in the same position, of any component or assembly incorporated or associated with a building, including all lawful repair and maintenance of that nature that is carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 1976, except –
  - (i) complete or substantial replacement of a specified system; or
  - (ii) complete or substantial replacement of any component or assembly contributing to the building's structural behaviour or fire-safety properties; or
  - (iii) repair or replacement (other than maintenance) of any component or assembly that has failed to satisfy the provisions of the building code for durability, for example, through a failure to comply with the external moisture requirements of the building code; or
  - (iv) repair or replacement of any water storage heater connected to a solid-fuel heater or other supplementary heat exchanger, except for the repair, or replacement with a comparable heater, or any open-vented water storage heater using the same pipework.
- (ab) the opening and reinstatement of any purpose-made access point within a drainage system that-
  - (i) is not a NUO system or part of a NUO system; and
  - (ii) is carried out in accordance with the Plumbers, Gasfitters and Drainlayers Act 1976:
- (ac) the alteration to drains for a dwelling, if the alteration-
  - (i) is of a minor nature (for example, shifting a gully trap); and
  - (ii) does not include making any new connection to a service provided by a network utility operator; and
  - (iii) is carried out in accordance with the Plumbers, Gasfitters and Drainlayers Act 1976:
- (ad) the alteration to existing sanitary plumbing (as defined in section 3 of the Plumbers, Gasfitters and Drainlayers Act 1976) in a dwelling (for example, replacing a bath with a shower or moving a toilet) carried out in accordance with the Plumbers, Gasfitters and Drainlayers Act 1976:
- (ae) the installation, replacement, or removal in any existing building of a window (included a roof window) or an exterior doorway if-
  - (i) compliance with the provisions of the building code relating to structural stability is not reduced; and
  - (ii) in the case of replacement, the window or doorway being replaced satisfied the provisions of the building code for durability.
- (af) the alteration to an entrance or an internal doorway of a dwelling to improve access for persons with disabilities, if compliance with the provisions of the building code relating to structural stability is not reduced.
- (ag) the alterations to the interior of any non-residential building (for example, a shop, office, library, factory, warehouse, church, or school) if the alterations 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 for persons with disabilities; or
  - (ii) modify or affect any specified system.
- (b) the construction of any motorway sign, stopbank, culvert for carrying water under or in association with a road, or similar simple structure that is a simple structure and is owned or controlled by any network utility operator or other similar organization.
- (c) construction or alterations of any retaining wall that retains not more than 1.5 meters depth of ground and that does not support any surcharge or any load additional to the load of that ground (for example, the load of vehicles on a road)
- (ca) the construction, alteration, or removal of an internal wall (including the construction, alteration or removal of an internal doorway) in any existing building it-
  - (i) compliance with the provisions of the building code relating to structural stability is not reduced; and
  - (ii) the means of escape from fire provided within the building are not detrimentally affected; and
  - (iii) the wall is not made of units of material (such as brick, burnt clay, concrete or stone) laid to a bond in and joined together with mortar.
- (d) the construction or alteration of any wall (except a retaining wall or internal wall), fence (except a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987), or hoarding, in each case of a height not exceeding 2 meters above the supporting ground
- (da) the construction or alteration of any dam that is not a large dam:
- (e) the construction or alteration of any tank or pool and any structural support of the tank or pool (except a swimming pool as defined in section 2 of the Fencing of Swimming Pools Act 1987), including any tank or pool that is part of any other building for which a building consent is required,
  - (i) not exceeding 35 000 litres capacity and supported directly by the ground; or
  - (ii) not exceeding 2 000 litres capacity and supported not more than 2 meters above the supporting ground; or
  - (iii) not exceeding 500 litres capacity supported not more than 4 meters above the supporting ground

- (f) the construction, alteration or removal of any tent or marquee that has a floor area not exceeding 50 square meters if that tent or marquee is to be, or has been, used for public assembly for a period of not more than 1 month
- (fa) the construction, alteration or removal of any tent or marquee that has a floor area not exceeding 100 square meters if that tent or marquee is, or has been, for private use for a period of not more than 1 month
- (g) the construction or alteration of any platform, bridge, or the like from which it is not possible for a person to fall more than 1 meter even if it collapses:
- (h) the construction or alteration of any temporary storage stack of goods or materials:
- (i) building work in connection with any detached building (except a building that is required to be licensed in terms of the Hazardous Substances and New Organisms Act 1996 or a building closer than its own height to any residential accommodation or to any legal boundary) that –
  - (i) houses fixed plant or machinery, the only normal visits to which are intermittent visits for routine inspection and maintenance of that plant or machinery; or
  - (ii) into which, or into the immediate vicinity of which, people cannot or do not normally go; or
  - (iii) is used only by people engaged in the construction or maintenance of another building for which a building consent is required; or
  - (iv) does not exceed 1 storey, does not exceed 10 square meters in floor area, and does not contain sanitary facilities or facilities for the storage of potable water, but may contain sleeping accommodation (without cooking facilities) if the detached building is used in connection with a dwelling:
- (j) building work in connection with the closing in of an existing veranda, patio, or the like so as to provide an enclosed porch, conservatory, or the like with a floor area not exceeding 5 square meters
- (ja) the construction, alteration, or removal of any fabric, glass or metal awning on any building where that porch or verandah-
  - (i) is on the ground or first storey level; and
  - (ii) does not exceed 15 square metres in size:
- (jb) the construction, alteration or removal of a pergola:
- (jc) the construction, alteration, or removal of a porch or verandah on any building where that porch or verandah-
  - (i) is on the ground or first storey level; and
  - (ii) is over a deck or a patio; and
  - (iii) does not exceed 15 square metres in size:
- (k) any other building work in respect of which the territorial authority (or, as the case requires, the regional authority) considers that a building consent is not necessary for the purposes of this Act because that building work—
  - (i) is unlikely to be carried out otherwise than in accordance with the building code; or
  - (ii) if carried out otherwise in accordance with the building code is unlikely to endanger people or any building, whether on the same land or on other property.

**Please note that any exempt building work not completed in accordance with the New Zealand Building Code or the Resource Management Act may be subject to the enforcement provisions of either Act.**

**If you have any doubts as to whether a consent is required please contact the Building Control Department on our freephone 0800 924 723 and we will be happy answer any queries you may have.**

**As requirements for recording all building work are becoming increasing important when it comes to the sale and insuring of a property, the Waipa District Council is happy to receive notification, reports and plans of any building work untaken which is considered exempt under the Building Act 2004. This information will be filed on the appropriate property file held at Council.**