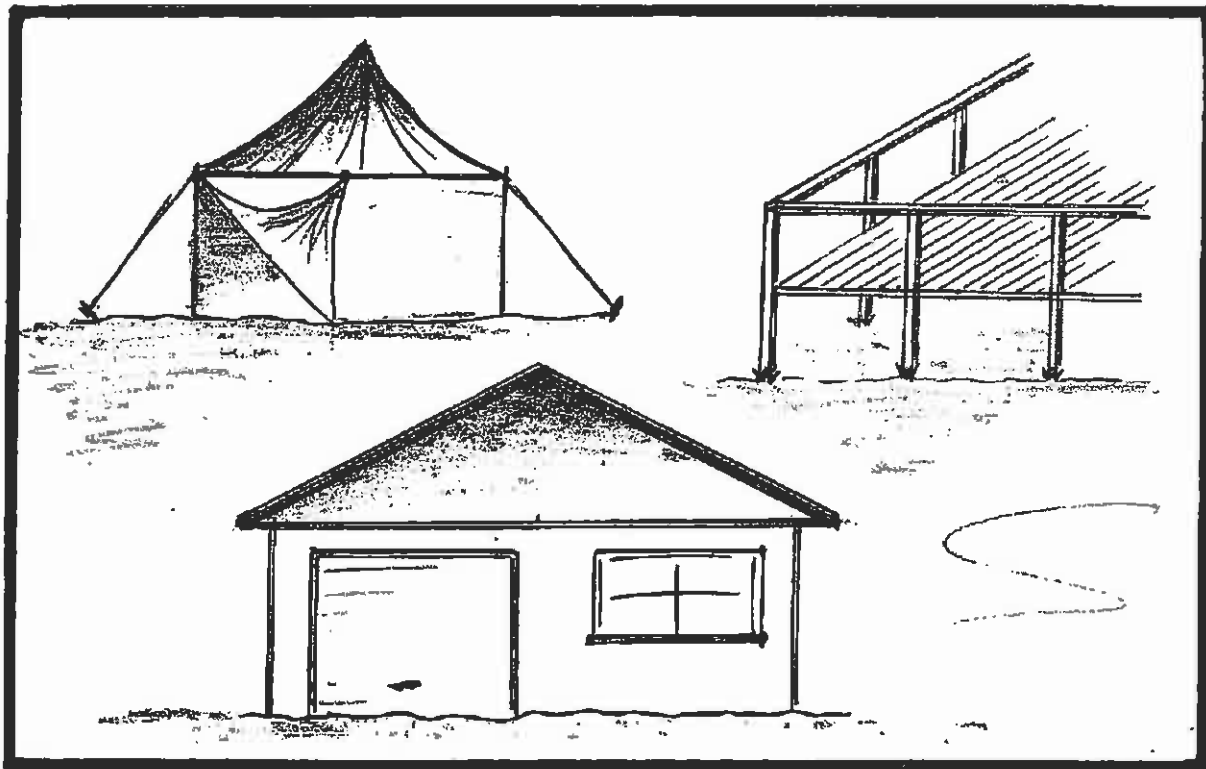




## CUSTOMER GUIDE TO EXEMPT BUILDING WORK



This document explains issues related to exempt building work under Schedule 1 of the Building Act 2004. 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 consent you may save time and money.

*For further information please contact:*

Westland District Council

**Building Department**

36 Weld Street

Private Bag 704

Hokitika

**Phone: 03 756 9010**

Fax: 03 756 9045

E-mail: [council@westlanddc.govt.nz](mailto:council@westlanddc.govt.nz)

## **Exempt Building Work**

Building owners are generally to obtain a Building Consent from a Building Consent Authority to carry out building work. The Consent is necessary to ensure proposed building work complies with the New Zealand Building Code and is therefore, safe, sanitary and otherwise suitable for its intended use.

Obtaining a Building Consent 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 Schedule 1.

The definition of building work in the Building Act is any work related to or in connection with the construction, alteration, demolition or removal of a building. Because the definition is so broad, it is generally the case that almost all building work is potentially work that requires a Building Consent. Certain building work is exempt from the Building Consent requirements of the Act.

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

Because the Building Act covers such a broad range of building work, some low-risk building work is now not subject to the normal requirements of the Building Consent approval process.

Exempt 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, the exempt building work must, when undertaken, comply with the Building Code.

## **What building work is listed as exempt building work?**

Schedule 1 of the Building Act 2004 (included on page 5 of this document) sets out the circumstances where building work is exempt from needing a Building Consent.

Whether exemptions apply will depend on the kind of work being undertaken, the scope of the work, and the extent of the proposed building work. Every individual undertaking building work is responsible for deciding whether the work is either work requiring a Building Consent or that meets the specific exemptions set under Schedule 1 of the Building Act.

## Are there other laws building work needs to comply with?

While the Building Act provides for exemptions, there might be other laws that the building work will need to comply with. These include, but are not limited to:

- The Building Code
- The Resource Management Act 1991
- The Plumbers, Gasfitters, and Drainlayers Act 1976
- The Electricity Act 1992
- The Health Act 1956
- And any relevant Local Government Bylaws

**PLEASE NOTE:** All building work (regardless of the need to obtain a Building Consent) must comply with the Building Code.

## Further information

If you have any further questions about exempt building work, or require technical support to determine whether the work you wish to undertake is exempt, please contact:

Westland District Council  
Building Department  
36 Weld Street  
Hokitika  
Phone: 03 756 9010  
Fax: 03 756 9045  
E-mail: [council@westlanddc.govt.nz](mailto:council@westlanddc.govt.nz)  
Website: [www.westland.govt.nz](http://www.westland.govt.nz)

You can also view a copy of the Building Act or read further information about the Schedule 1 exemptions on the Department of Building and Housing website, [www.dbh.govt.nz](http://www.dbh.govt.nz).

## Schedule 1 to the Building Act 2004

### Exempt building works (with new additions in force on 16<sup>th</sup> 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, of 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 (including a roof window) or an exterior doorway if—
  - (i) compliance with the provisions of the building code relating to structural stability is not reduced; and
  - (ii) in the case of replacement, the window or doorway being replaced satisfied the provisions of the building code for durability;
- (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 alteration to the interior of any non-residential building (for example, a shop, office, library, factory, warehouse, church, or school), if the alteration does not—
  - (i) reduce compliance with the provisions of the building code that relate to means of escape from fire, protection of other property, sanitary facilities, structural stability, fire-rating performance, and access and facilities for persons with disabilities; or
  - (ii) modify or affect any specified system;
- (b) the construction or alteration of any motorway sign, stopbank, culvert for carrying water under or in association with a road, or other similar structure that is a simple structure and is owned or controlled by a network utility operator or other similar organization;
- (c) construction or alteration of any retaining wall that retains not more than 1.5 metres depth of ground and that does not support any surcharge or any load additional to the load of that ground (for example, the load of vehicles on a road);
- (ca) the construction, alteration, or removal of an internal wall (including the construction, alteration, or removal of an internal doorway) in any existing building if—
  - (i) compliance with the provisions of the building code relating to structural stability is not reduced; and
  - (ii) the means of escape from fire provided within the building are not detrimentally affected; and
  - (iii) the wall is not made of units of material (such as brick, burnt clay, concrete, or stone) laid to a bond in and joined together with mortar;
- (d) the construction or alteration of any wall (except a retaining wall or an internal wall), fence (except a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987), or hoarding, in each case of a height not exceeding 2 metres above the supporting ground;
- (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 metres above the supporting ground; or
  - (iii) not exceeding 500 litres capacity and supported not more than 4 metres above the supporting ground:
- (f) the construction, alteration, or removal of any tent or marquee that has a floor area not exceeding 50 square metres if that tent or marquee is to be, or has been, used for public assembly for 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 metres 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 metre 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 metres in floor area, and does not contain sanitary facilities or facilities for the storage of potable water, but may contain sleeping accommodation (without cooking facilities) if the detached building is used in connection with a dwelling:
- (j) building work in connection with the closing in of an existing veranda, patio, or the like so as to provide an enclosed porch, conservatory, or the like with a floor area not exceeding 5 square metres:
- (ja) the construction, alteration, or removal of any fabric, glass, or metal awning on any building that—
  - (i) is on the ground or first storey level; and
  - (ii) does not exceed 15 square metres in size:
- (jb) the construction, alteration, or removal of a pergola:

- (j) 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 than in accordance with the building code, is unlikely to endanger people or any building, whether on the same land or on other property.

## Useful websites

Certified Builders Association of NZ Inc (CBANZ)  
[www.certified.co.nz](http://www.certified.co.nz)

Registered Master Builders Federation Inc (RMBF)  
[www.masterbuilder.org.nz](http://www.masterbuilder.org.nz)

New Zealand Institute of Architects (NZIA)  
[www.nzia.co.nz](http://www.nzia.co.nz)

Architectural Designers NZ Inc (ADNZ)  
[www.adnz.org.nz](http://www.adnz.org.nz)

Association of Consulting Engineers (ACENZ)  
[www.acenz.org.nz](http://www.acenz.org.nz)

BRANZ Ltd  
[www.branz.co.nz](http://www.branz.co.nz)

NZ Institute of Quantity Surveyors Inc (NZIQS)  
[www.nziqs.co.nz](http://www.nziqs.co.nz)

NZ Institute of Surveyors (NZIS)  
[www.surveyors.org.nz](http://www.surveyors.org.nz)

Department of Building and Housing (DBH)  
[www.dbh.govt.nz](http://www.dbh.govt.nz)  
*Downloads of Building Act and Building Code Information*

Institution of Professional Engineers (IPENZ)  
[www.ipenz.org.nz](http://www.ipenz.org.nz)

NZ Institute of Building Surveyors Inc (NZIBS)  
[www.buildingsurveyors.co.nz](http://www.buildingsurveyors.co.nz)

Consumers' Institute of New Zealand  
[www.consumerbuild.org.nz](http://www.consumerbuild.org.nz)

