



## EXEMPT BUILDING WORK BUILDING ACT 2004, SCHEDULE 1 (Information Sheet)

VERSION: 2

DATE: February 2011

CODE: IS-123

**If considering completing any building work that may not require a building consent, please take notice of the following information. It is important to note that building owners are responsible for ensuring that ALL building work complies with the New Zealand Building Code, the Council's District Plan and the Resource Management Act.**

Exempt Building Work is that covered by Building Act 2004, Schedule 1 and any subsequent amendments. Exemptions do not provide an approval under the Resource Management Act or any other Act.

Approval must be sought from Council if wishing to have an exemption under the Building Act 2004, Schedule 1, Clause K, considered.

If your proposed work is covered by clauses of Schedule 1 other than Clause K, then you may still apply to have that work recorded. This will allow a copy of the exemption and plans to be placed on your Council Property File for reference in the future, e.g. if the property should be sold and a Land Information Memorandum (LIM) requested, the information will show on the LIM.

You should complete an Application for Exempt Building Work BA Form 103 and return to Council with the appropriate fee (see Fees & Charges Information Sheet IS-101).

You may also visit the Building Duty Office between the hours of 8.30am and 4.30pm on phone (03) 687 7236 or visiting the Council's main office at 2 King George Place for assistance.

Should you require a building consent, the publication *Customer Guide to the Building Consent Process* outlines the information required by Council to process a Building Consent Application. Useful step-by-step guides can also be found at [www.consumerbuild.org.nz](http://www.consumerbuild.org.nz) which can help you to understand the processes required. The Department of Building & Housing also provide a guidance document on exempt work ([www.dbh.govt.nz/UserFiles/File/Publications/Building/Guidance-information/pdf/dbh-guide-for-building-work-consent-not-required.pdf](http://www.dbh.govt.nz/UserFiles/File/Publications/Building/Guidance-information/pdf/dbh-guide-for-building-work-consent-not-required.pdf)).

Application forms and information/processing sheets are available on the website [www.timaru.govt.nz](http://www.timaru.govt.nz) or by visiting the main office at 2 King George Place, Timaru, the Geraldine Service Centre, Talbot Street, Geraldine or the Temuka Service Centre, King Street, Temuka.

---

### **Building Act 2004, Schedule 1** (includes amendment dated 23 December 2010) **Exempt building work**

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

*1(a) any lawful repair and maintenance using comparable materials, or replacement with a comparable component or assembly in the same position, of any component or assembly incorporated or associated with a building, including all lawful repair and maintenance of that nature that is carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 2006, except—*

- (i) complete or substantial replacement of a specified system; or*
- (ii) complete or substantial replacement of any component or assembly contributing to the building's structural behaviour or fire-safety properties; or*
- (iii) repair or replacement (other than maintenance) of any component or assembly that has failed to satisfy the provisions of the building code for durability, for example, through a failure to comply with the external moisture requirements of the building code; or*
- (iv) repair or replacement of a water storage heater connected to a solid-fuel heater or other supplementary heat exchanger (other than— (A) repair of an open-vented water storage heater using the same pipework; or (B) replacement of an open-vented water storage heater with a comparable 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 2006.*

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

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

*(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.*

*(ah) the replacement or alteration of linings or finishes of any internal wall, ceiling, or floor of a dwelling.*

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

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

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

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

*(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.*

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

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

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

*(db) the construction, installation, replacement, or alteration of a retaining wall in a rural zone, if—*

*(i) the wall retains no more than 3 metres depth of ground; and*

*(ii) the distance between the wall and any legal boundary or existing building is at least the height of the wall; and (iii) the wall has been designed by a chartered professional engineer.*

*(e) the construction or alteration of any tank or pool and any structural support of the tank or pool (except a swimming pool as defined in section 2 of the Fencing of Swimming Pools Act 1987), including any tank or pool that is part of any other building for which a building consent is required,—*

*(i) not exceeding 35 000 litres capacity and supported directly by the ground; or*

*(ia) not exceeding 16 000 litres capacity and supported not more than 0.25 metre above the supporting ground; or*

*(ib) not exceeding 8 000 litres capacity and supported not more than 0.5 metre above the supporting ground; or*

*(ic) not exceeding 4 000 litres capacity and supported not more than 1 metre above the supporting ground; or*

*(ii) not exceeding 2 000 litres capacity and supported not more than 2 metres above the supporting ground; or*

*(iia) not exceeding 1 000 litres capacity and supported not more than 3 metres above the supporting ground:*

*(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.*

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

*(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.*

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

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

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

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

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

*(i) used for supporting mechanical plant, a tank, equipment, machinery, or any similar item; and*

*(ii) designed by a chartered professional engineer.*

*(gc) the construction, installation, replacement, alteration, or removal of a stall, booth, compartment, or similar structure that—*

*(i) does not exceed 100 square metres in floor area; and*

*(ii) is, or has been, for use at a fair, exhibition, or market for not more than 1 month.*

*(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.*

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

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

*(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.*

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

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

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

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

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

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

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

*(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.*

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

*(m) the repair or replacement of all or part of a damaged outbuilding, if—*

*(i) the repair or replacement is made within the same area that the outbuilding or the original outbuilding (as the case may require) occupied; and*

*(ii) in the case of any replacement, the replacement is made with a comparable outbuilding or part of an outbuilding.*

*(n) the removal of any—*

*(i) sign and any structural support of the sign; or*

*(ii) retaining wall; or*

*(iii) plinth or similar foundation; or*

*(iv) playground equipment.*