



BUILDING ACT 2004 CERTAIN WORK EXEMPT

The 1st Schedule of the Building Act 2004 lists work that is exempt from requiring a Building Consent.

A copy of the 1st Schedule is attached.

If you think your building project is exempt under the 1st Schedule please discuss with the Council's Building Control Officer before proceeding to ensure that the 1st Schedule does apply.



Schedule 1
Exempt building work

s 41(1)(b)

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:]

Note: Paragraphs (a) and (ab) are to be amended, as from a date to be appointed by Order in Council, by s 185 Plumbers, Gasfitters, and Drainlayers Act 2006 (2006 No 74) by substituting "the Plumbers, Gasfitters, and Drainlayers Act 2006" for "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:]



Schedules

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

Compare 1991 No 150 schedule 3

History

Paragraph (a) was substituted, as from 15 March 2008, by s 91(1) Building Amendment Act 2008 (2008 No 4).

See ss 92 to 95 of that Act for the validation and transitional provisions.

Paragraph (ab) was inserted, as from 15 March 2008, by s 91(1) Building Amendment Act 2008 (2008 No 4).

See ss 92 to 95 of that Act for the validation and transitional provisions.

