

# Guidance information about exempt building work

The purpose of this document is to provide guidance information about Schedule 1 of the Building Act which provides for building work that does not require a building consent. This type of work is considered low risk.

## What is Schedule 1 of the Building Act 2004?

Schedule 1 is a list of building work that does not require a building consent. If the work does not need a building consent the owner still has responsibilities under the Act to make sure work complies with the Building Code.

Schedule 1 also contains a provision (exemption 2), which provides an applicant with an opportunity to seek an exemption when a building consent might otherwise be required. Applicants must apply to Council and seek approval for this exemption.

The Ministry of Business Innovation & Employment has produced a guide to building work that does not require a building consent. You can view their guidance on their website here: <https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-work-that-doesnt-need-a-building-consent/>

## As a building owner, what are my responsibilities?

Building owners are responsible for:

1. determining whether proposed building work is exempt from requiring a building consent
2. ensuring exempt building work complies with the Building Code; and
3. ensuring the work does not breach any other Act

Although work may be exempt, section 17 of the Building Act 2004 states that all building work must comply with the Building Code to the extent required by the Act whether or not a building consent is required in respect of that building work. To ensure that building work complies with the Building Code owners should seek professional advice from an independently qualified person (i.e. builder or architect).

Further section 42A(2)(c) of the Act requires that the building work does not breach any other enactment.

This section of the Act means that if the building work is likely to breach any other enactment then the work is no longer exempt from the need to obtain a building consent. However, if approval under the other legislation is obtained, the work reverts to being exempt building work.

Example: resource consent is required because the work does not comply with the unitary plan; applicant obtains resource consent, work is still exempt from the need to obtain building consent, so long as the proposed building work is within the scope of schedule 1.

Council also strongly recommends that all building owners check with the Resource Consents team before undertaking any building work to ensure that resource consent is not required.

Resource consents maybe necessary for several different reasons including but not limited to: -

- zoning
- site coverage
- height in relation to boundary

### What if I don't know if the building work is exempt?

You should always check with a building professional and seek their advice before deciding whether building work is exempt. The Building Act is quite clear that it is the owner's responsibility to ensure that they obtain a building consent when one is required.

### What if the building work is exempt and I want to place a record on file?

When it comes to selling a property, all sorts of issues arise when the records Council has don't reflect what has been built on site. For this reason, Council is prepared to accept records from owners relating to exempt building work and place a copy of this information on the property file. You can submit this online on our public website [here](#) when notifying Council and requesting that a record of exempt building work is placed on your property file.

For record keeping purposes, the notification must be accompanied by drawings depicting what an applicant has built or renovated. This helps to ensure that property records are up-to-date and identify all work undertaken on site.

There is a small administrative charge for placing this information on file; this charge covers the cost of storing this information on file for the life of the building. Owners should be aware that Council **does not** take any responsibility for checking that the information provided about exempt building work, is in accordance with the requirements of the Building Code. Similarly, Council will **not** carry out any inspections on this work. For this reason, we do not acknowledge receipt of the documentation.

Although Council has no specific requirements regarding the quality of information supplied, it must be suitably legible and accurately portray the work to be of any value for record-keeping purposes. Please do not use previously stamped plans, as the plans need to depict the work, which is the subject of the notification.

### Can I apply for a building consent even if the work is exempt?

Yes, even if building work is exempt you may still wish to obtain a building consent.

### Can I apply for an exemption when a building consent is required?

Yes, exemption 2 of Schedule 1 of the Building Act makes provision for a person to seek an exemption even if a building consent is required. If applying for an exemption, please apply online [here](#). Exemption 2 gives Council the discretion to waive the requirement for a building consent. Council will consider each application on a case-by-case basis. Before approving such applications, Council needs to be satisfied that:

1. The building work will be carried out in accordance with the Building Code, or
2. If carried out, other than in accordance with the Building Code, is unlikely to endanger people or any building, whether on the same land or any other property.

If applying for an exemption, applicants still need to provide the same level of detail as if they were applying for a building consent to enable a full assessment and subsequent decision to be made. There is a small charge payable for this assessment.

### Does exempt building work have to be undertaken by a licensed building practitioner?

No; however, the building work must be carried out in accordance with the Building Code. Further, regardless of whether a building consent is required, the building work must comply with other relevant legislation, including the:

- Plumbers, Gasfitters, and Drainlayers Act 2006
- Electricity Act 1992
- Resource Management Act 1991; and
- Fire and Emergency New Zealand Act 2017.