

Exemption 2 – Territorial and regional authority discretionary exemptions

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Territorial authorities (city or district councils) or regional authorities (regional councils) are able to use their discretion to exempt any proposed building work from requiring a building consent, so long as certain conditions are met under clause 2 (or 'exemption 2') of Schedule 1 of the Building Act 2004.



The conditions that need to be met to qualify for an exemption are:

- the completed building work is likely to comply with the Building Code, or
- if the completed building work does not comply with the Building Code, it is unlikely to endanger people or any building, whether on the same land or on other property.

Exemption 2 is the only exemption in Schedule 1 that requires a territorial or regional authority to make a decision about any proposed building work. For the other 42 exemptions, it is the property owner who makes the decision as to whether an exemption in Schedule 1 applies.

Any type of building work (from simple, low-risk to complex engineered projects) can potentially be considered under exemption 2. However, all building work carried out under this exemption needs to comply fully with all other relevant legislation (for example, the Resource Management Act 1991).

Some territorial authorities have developed and publicly published their policies and procedures around the types of building work they would consider issuing an exemption 2 for under the current legislation. For example, Christchurch City Council specifies the types of residential and commercial building work that it would consider issuing an exemption 2 for, on a case-by-case basis. The council also states the types of building work that it will generally not consider under exemption 2.

If, as an owner or agent, you are considering applying for an exemption 2, you should discuss this with the relevant territorial or regional authority.

[Building work that does not require a building consent \(https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/\)](https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/)

[Building work that does not require a building consent \(http://ccc.govt.nz/assets/Documents/Consents-and-Licences/building-consents/B390-ExemptionInformationSheet.pdf\)](http://ccc.govt.nz/assets/Documents/Consents-and-Licences/building-consents/B390-ExemptionInformationSheet.pdf) [PDF 190 KB] – relating to Christchurch City Council is available on the council's website.

[Guidance in relation to Schedule 1\(k\) exemptions and issuing building infringement notices \(https://www.building.govt.nz/assets/Uploads/building-officials/technical-review/2012-wellington-technical-review.pdf\)](https://www.building.govt.nz/assets/Uploads/building-officials/technical-review/2012-wellington-technical-review.pdf) [PDF 589 KB] – outlines good practice in relation to clause (k) of December 2010's version of Schedule 1, which is equivalent to the current exemption 2. This document also covers some suggested policies and procedures for territorial and regional authorities.



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