



## Building consent exemptions FAQ

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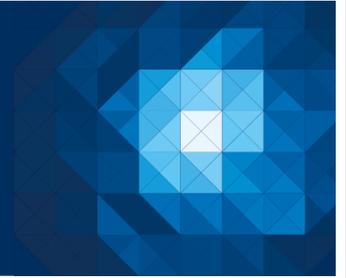
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## Background to building consent exemptions

### What are building consent exemptions?

Building consent exemptions recognise that some building work is low-risk enough that it doesn't need to be subject to the requirements of the building consent process. However, the work must still comply with the Building Code and other legislative requirements. If it doesn't comply, councils have a range of powers under the Building Act 2004, including the ability to issue a notice to fix for the work regardless of whether the work has a building consent.

These exemptions are described in Schedule 1 of the Building Act 2004.



The Building Code outlines how a building must perform, rather than describing how it must be designed and constructed.

The Building Code is performance-based and designed specifically to enable flexibility and innovation which allows people to build these kinds of structures provided they adhere to minimum performance requirements.

The Government wants to ensure that buildings and houses are healthy, safe and durable so that the wellbeing of people is safeguarded.

MBIE doesn't provide strict instructions on how to build, instead we produce information to show ways to comply with the Building Code. This allows for flexibility and innovation in the sector.

## **What do building consent exemptions mean for building owners?**

It means those looking to undertake building work that is exempt won't have to apply or pay for a building consent to carry out this work. There won't be regular council inspections on work progress, and, overall, there will be less red tape to navigate.

If you're unsure about how to comply with the Building Code its best to consult an expert who has the knowledge and expertise to provide advice on your specific situation.

While MBIE can't provide advice on your specific situation, guidance is available on the [Building.govt.nz](http://Building.govt.nz) website that may help.

## **Will people need to talk to the Council before starting work?**

For exempt building work listed in Schedule 1 of the Building Act 2004, building owners don't need to contact their council or apply for a building consent before they start their building work.

It is up to the building owner to ensure they aren't building over services and they may need to check other legislative requirements such as maximum site coverage.

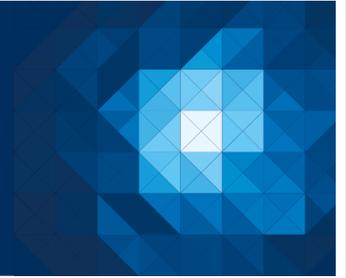
If you're unsure about whether you need to apply for a building or resource management consent its best to talk to your council.

When in doubt, it's still best to consult the council.

## **If work is exempt from needing a building consent, do other Acts still apply?**

Building work that does not require a building consent must still comply with the Building Code and other legislative requirements, such as those under the Resource Management Act 1991, the Electricity Act 1992 and the Health and Safety at Work Act 2015.

If you are unsure what Acts may apply, and what the requirements are, it's best to consult an expert.



## **Can anyone do exempt building work?**

Some of the work in the exemption package can be done by anyone, and some will need the involvement of a chartered professional engineer, a licensed building practitioner or a registered plumber.

## **Can I still apply for a building consent if I want to?**

Yes. You may choose to apply for a building consent to give you the added assurance that the work is compliant with the Building Code, and so it is recorded on your property's Land Information Memorandum (LIM).

## **I've already lodged my consent application for building work that is now exempt, what do I do now?**

You should contact your local council to discuss this.

## **How did you come up with this list of exemptions?**

Feedback on a package of proposals was received through a consultation process involving councils, industry organisations and building owner groups likely to be affected.

## **SINGLE-STOREY DETACHED BUILDINGS UP TO 30SQM (SLEEPOUTS, SHEDS AND GARAGES)**

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### **Where can I locate my sleepout, shed or garage?**

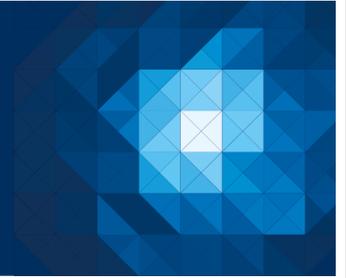
Your shed, garage or sleepout must be at least its own height from any legal boundary and from any residential building on the property. For example, if your shed is 2.4 metres high, it must be built more than 2.4 metres from each legal boundary and from your house.

Always check with your council to make sure your proposed building work complies with the district planning rules (eg maximum site coverage, yard/setback requirements, daylight access planes, or permitted activities). A resource consent may be required and it is important that you obtain this before starting any building work.

Always check you will not be building over any buried services such as pipes or cables. Confirm the location of underground services from a professional company before you dig.

### **How high can my sleepout, shed or garage be?**

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Your building can only have one storey. The floor level of the building must not be more than 1 metre higher than the supporting ground, and top of the roof must not be higher than 3.5 metres from the floor level.

## **How should I measure the floor area of a sleepout, shed or garage?**

The floor area is measured within the insides of the enclosing walls.

[Instructions on how to calculate the floor area](#) can be found in the exemptions guidance.

## **Is there a difference between a shed, garage and a sleepout?**

Sheds and garages provide storage for goods, tools and vehicles. People are not expected to occupy these buildings for extended periods of time and should not use them for sleeping in.

Sleepouts provide habitable spaces for people to regularly occupy for longer periods of time, such as for sleeping and other domestic living. Bathroom and kitchen facilities will require a consent.

## **What additional requirements are there when constructing a sleepout?**

As a sleepout is a habitable space, the Building Code also requires it to have a smoke alarm, fresh air ventilation, natural lighting, adequate room height, and thermal insulation. It must also have ready access to an existing dwelling for sanitation.

MBIE is also developing information and education tools to help non-professionals better understand how to build a sleepout so it will comply with the Building Code. This will be released as it is developed. In the meantime, please read the below information to ensure you are complying with the law.

[How to ensure your building work complies with the law.](#)

## **Can my sleepout have a cooking facility such as a portable cooktop?**

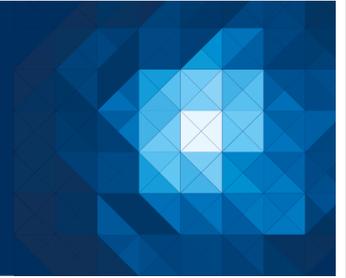
To reduce the risk of fire and for health and safety reasons, exempt sleepouts must not include any cooking facilities at all. A cooking facility includes any equipment used for cooking, such as a stove, hotplate or oven. Cooking facilities can only be installed and used in the primary house or main dwelling.

## **Can I install a sink in my sleepout if it is not used for cooking or sanitary purposes?**

The installation of a sink will require new water supply and waste connections. This work is not covered in this exemption, so it will require a building consent.

## **Can I put a composting toilet in my sleepout?**

You cannot put a composting toilet in your sleepout. If you want to have a sanitary facility such as a toilet or shower in your sleepout, you will need a building consent.



## What building material can I use to build my sleepout?

If you wish to do everything without the help of a professional, you must use lightweight materials for your detached building. Lightweight walls have timber or steel studs, and either timber weatherboards or profiled metal claddings. A combination of these materials is generally required to make the building structurally sound and weathertight, and a wall cavity may also be needed.

[Ensure your building work complies with the law.](#)

## What is a wall cavity, and do I need one?

A wall cavity provides drainage and ventilation in the space immediately behind an external wall cladding. The cavity needs to be between 18 mm and 25 mm deep. There are other technical requirements to follow as per [Building Code Clause E2 External Moisture](#).

You will often need a wall cavity when your building is exposed to strong wind. For example, a sleepout located in an extra high wind zone (with 200 km/h maximum wind speed) will require a wall cavity with rigid wall underlay. There are technical requirements to follow when building a wall cavity.

[Constructing cavities for wall claddings.](#)

## Can stormwater from a 30m<sup>2</sup> shed be connected to an existing stormwater drain without a building consent?

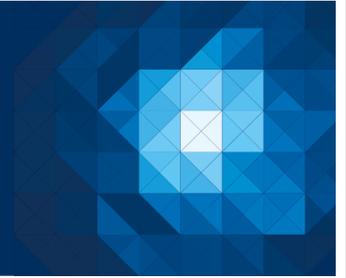
The Building Code requires stormwater to be collected and piped to an appropriate outfall. Most pipes and drains must be laid by an authorised Drainlayer.

[Find a Drainlayer by checking the register.](#)

However, it requires permission from your local Council or the Network Utility Operator. Homeowners can seek professional advice regarding the disposal of stormwater from new buildings and should contact their council to discuss connection options.

## Can an exempt single-storey detached building be the first building on site, or does it need to be an accessory building?

It must be an accessory building (without any sanitary or cooking facilities) that is used in connection with a dwelling.



## **If you want a bathroom in a detached building, do you only need a consent for the bathroom or does it apply to the whole building?**

That will be up to each council to decide based on their processes. For a sleepout to be exempt from needing a building consent, it must readily have the facilities of an existing dwelling available for sanitation.

## **CARPORTS**

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### **How do I measure the floor area of a carport?**

The net floor area in a building is measured within the insides of the outer walls or posts supporting the roof.

[Instructions on how to calculate the floor area](#) can be found in the exemptions guidance.

### **Where can I locate my carport?**

This exemption allows you to construct a carport that is freestanding or attached to your house. A carport can be located at anywhere within your own legal boundary. However, if you are building close to any boundaries, you must meet the Building Code requirements for protection from fire, particularly in relation to the external spread of fire to neighbouring property.

[C/AS1 covers the requirements for protection from fire.](#)

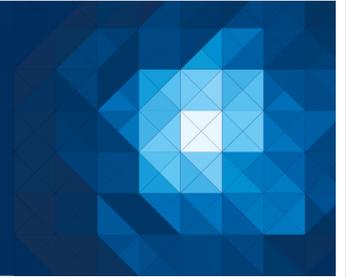
You will also need to talk to your local council to understand district plan rule requirements for your land.

### **Can carports be standalone or do they need to be attached to a building?**

The carports can be either standalone or attached to a building. Whenever you attach a something to a building, due consideration should always be given to the impact the fixtures may have on the weather tightness and structural integrity of the building.

### **Can I extend my existing carport?**

You can extend an existing carport provided the new total floor area does not exceed the maximum floor area allowed by the exemption.



## SOLAR PANEL ARRAYS

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### How do I find out the wind zone or wind speed at my property?

You may wish to discuss with your local council, as they will most likely have a wind map to determine the wind zone of your property. You may also wish to engage a chartered professional engineer to work out the specific wind speed for your property.

### Where can I locate my solar panel array?

A solar panel array can be placed anywhere within your own legal boundary provided it is at least 5 m away from any residential building, or legal boundary. You will need to talk to your local council to understand district planning requirements for your land. You must also ensure that escape routes from an existing residential building are not compromised.

## AWNINGS

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### Can I extend my existing awning?

You can extend your existing awning provided it is currently within the scope of the exemption, and the total awning area after the extension does not exceed the maximum awning area allowed by the exemption.

## PERMANENT OUTDOOR FIREPLACES OR OVENS

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### Who can I get to build or install a permanent fireplace or oven?

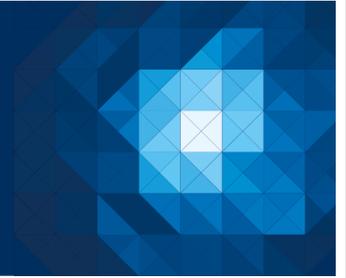
If you are not sure how to build or install a fireplace or oven without the help of a professional that is compliant with the Building Code, you should seek advice from a professional such as a licensed building practitioner, chartered professional engineer, plumber or gasfitter

### What other conditions or rules do I need to be aware of for fireplaces and ovens?

If you are planning to construct an outdoor fire for cooking or heating, it is important that you check with your regional council first because outdoor burning can be a nuisance to neighbours and produce air pollution. It is also important to check the current fire season rules and whether or not you need a fire permit.

[Find out the current fire season rules](#)

[Check if you need a fire permit](#)



## What materials must my fireplace or oven be built from?

Permanent outdoor fireplace or ovens must be built using a non-combustible material, such as concrete and brick to properly contain fire.

[Building Code acceptable solution C/AS1](#) gives construction instructions for outdoor fireplaces. [Section 14.3 in the exemptions guidance document](#) gives more information on building a fireplace or oven.

## POLE SHEDS AND HAY BARNs IN A RURAL ZONE

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### What are pole sheds and hay barns?

Pole sheds and hay barns are commonly used to shelter livestock, such as cattle and horses, as well as equipment and either fodder or grain. There is no restriction on the types of material that can be used to construct pole sheds and hay barns.

Pole sheds and hay barns cannot be used for other purposes such as those involving public access (such as farm shops or wine tasting facilities) unless you notify your council about the proposed change of use as required by [section 114 of the Building Act 2004](#).

### Where can I locate my pole shed or hay barn?

The pole shed or hay barn will need to be located in a rural zone, and built further than its own height away from any residential building, legal boundary, public road or railway.

You will also need to talk to your local council to understand district plan rule requirements for your land.

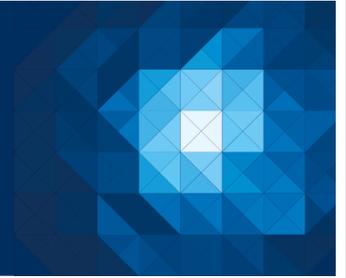
### How high can my pole shed or hay barn be?

Your building can only have one storey. The floor level within the building must not be more than 1 metre higher than the supporting ground. The top of the roof must not be higher than 4 metres above the floor level.

### Can I extend my existing pole shed or hay barn?

You can extend an existing pole shed or hay barn as long as the new total floor area does not exceed the maximum allowed floor area in the exemption, and the work is done by the relevant professional.

## Questions relating to LBPs



## **Can an LBP in carpentry do exempt work under the design competency?**

Although exempt building work is not considered restricted, an LBP should always work within their competency. The Building Practitioners Board has held LBPs to account for working outside their competency on exempt building work in the past.

## **Questions relating to councils**

### **Can plans of exempt building work done be given to Council for inclusion in the property file?**

Property owners are within their rights to send the paperwork off to councils if they choose. Some councils may charge a fee for this.

### **What are discretionary exemptions?**

Councils are able to use their discretion to exempt any proposed building work if it complies with the Building Code and is unlikely to endanger people or buildings. In general, councils will either do this for simple, low-risk, repetitive-type building work, such as that relating to farm buildings, proprietary garages or bus shelters, or for large, complex infrastructure projects where the consenting process would add little value.

