



Determination 2019/035

Regarding the refusal to issue an exemption under Schedule 1(2) of the Act for a proposed horse shelter at 221 Ashhurst Road, Bunnythorpe

Summary

This determination considers whether a proposed horse shelter was exempt from the need for a building consent under Schedule 1 of the Act and also whether the authority was correct to refuse to issue an exemption under Schedule 1(2). The determination discusses what an authority can consider when deciding whether to grant a discretionary exemption under Schedule 1(2).

1. The matter to be determined

- 1.1 This is a determination under Part 3 Subpart 1 of the Building Act 2004¹ (“the Act”) made under due authorisation by me, Katie Gordon, Manager Determinations, Ministry of Business, Innovation and Employment (“the Ministry”), for and on behalf of the Chief Executive of the Ministry.
- 1.2 The parties to this determination are:
 - P Kingsbeer, owner of the property (“the applicant”)
 - Manawatu District Council carrying out its duties as a territorial authority or building consent authority (“the authority”).
- 1.3 The determination arises from the authority’s decision to refuse to issue an exemption for the applicant’s horse shelter from the requirement to obtain a building consent. The authority considers the proposed building work does not meet the criteria for an exemption specified in paragraph 2 of Schedule 1 (“Schedule 1(2)”) of the Act². Schedule 1 lists the type of building work for which a building consent is not required. Schedule 1(2) covers situations where an authority considers a building consent is not necessary because the building work: (i) is likely to comply with the Building Code; or (ii) if the completed building work does not comply with the Building Code, it is unlikely to endanger people or any building.
- 1.4 The matter to be determined³ is therefore whether the authority was correct in refusing to issue an exemption under Schedule 1(2)⁴.
- 1.5 In making my decision I have considered the parties’ submissions and the other evidence in this matter. Refer Appendix A for extracts from the legislation and relevant standards.

¹ The Building Act, Building Code, compliance documents, past determinations and guidance documents issued by the Ministry are all available at www.building.govt.nz or by contacting the Ministry on 0800 242 243.

² Schedule 1: Building work for which building consent not required, paragraph 2 Territorial and regional authority discretionary exemptions

³ Under sections 177(1)(b) and 177(3)(c) of the Act

⁴ References to Schedule 1 in this determination are to Schedule 1 of the Act, references to sections are to sections of the Act, and references to clauses are to clauses of the Building Code unless otherwise specified.

2. Building work and background

- 2.1 The applicant planned to build a horse shelter in a fenced paddock, in a rural location and with no other buildings on the property. This shelter is intended as a “run-in shelter” to protect animals (a Clydesdale horse and donkey) from the weather.
- 2.2 The site the shelter is on is approximately 10,000m². The shelter is 18.5m from the south boundary line and 38m from the east boundary line. There are no other buildings on the site at present and the applicant advises there are none planned in the short to medium term (refer paragraph 3.1.7).
- 2.3 From the drawings supplied to me by the applicant (which I note are faint and very hard to read) the shelter comprises a two-bay post and beam pole shed. This shelter measures 7.2m x 4.4m and has a floor area⁵ of 31.7 m². It has a height of 3.2m at the apex of the roof, and has a bare earth floor. The posts are H5⁶ treated timber, 175mm x 4.2m SED⁷ and set 1m into the ground. The rafters are 300x50mm, purlins 150x50mm, wall framing a mix of 150x50mm and 100x50mm, with all framing timber H3.2⁸ treated. Figure 1 shows the building elevations.

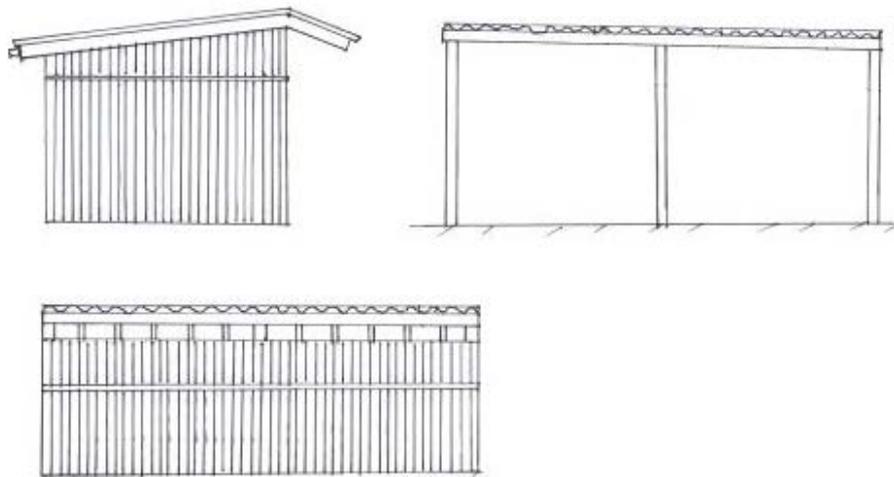


Figure 1: Side, front, and rear elevations of the horse shelter (not to scale)

- 2.4 The shelter is clad with plywood on three sides: it is entirely open at the front (under the roof apex) and has a high level permanent opening along the full width of the shelter at the rear. The drawings also indicate “[rain water] collection to water tank (not shown)”.
- 2.5 The applicant’s partner drew up the plans for the shelter, using a building firm’s proprietary design and specifications for “Lean-To Farm Building Designs, Structural and Construction Details”.

⁵ From the plans provided to me it appears that the authority’s calculation of 38.8 m² may have included the roof overhang

⁶ Hazard class ratings (Hx) are specified in NZS 3640:2003. H5 is for timber products exposed to the weather, in ground or in fresh water

⁷ Small End Diameter, being the nominal diameter of the post at its smallest end.

⁸ H3.2 is for timber products Exposed to the weather, above ground, or protected from the weather but with a risk of moisture entrapment.

- 2.6 On 9 January 2019 the applicant approached the authority to ask whether building consent was needed for a horse shelter. According to the applicant, the authority advised “that we would need consent... However, because it was a non-structural⁹ building, we could design and provide [our] own drawings providing they met NZS 3604”¹⁰.
- 2.7 The applicant met with the authority to discuss the drawings, revised these, and on 12 February 2019 submitted them to the authority with an application for building consent.
- 2.8 In response the authority made various requests for information (RFIs) requesting:
- “design calculations, PS1¹¹ and or a letter from an engineer”
 - foundation details under the wall framing (the applicant replied that the shelter only had a dirt floor and its pole shed design did not require any foundations)
 - a letter from a “structural engineer stating that the design as proposed will meet the requirements of [Clause B1 Structure]”.
- 2.9 The authority did not accept the design the applicant provided with a PS1 which were “from 2007 designed to NZS 4203:1992¹²” and informed the applicant that this standard had since been superseded with NZS 1170.¹³
- 2.10 Another request for information was sent in relation to the PS1 as the authority thought it was not “design specific” to the work and the PS1 was required to be “specific to the design”. As an alternative the authority advised “the design could be reviewed by [its] in house engineering team as a method of verifying compliance with the ... Building Code”. In response to this the applicant advised that she was not happy to pay for a structural engineer to re-draw the structure, as the drawings were originally undertaken to minimise compliance costs of building a shelter.
- 2.11 The parties met again on 27 February 2019. According to the applicant, the authority advised it would not issue a building consent as the submitted plans were for a “bespoke” pole shed “i.e. a combination of NZS 3604 and NZS 1170”. The authority said the extra framing for fixing the shelter’s exterior cladding had changed its basic structure and stated that it “would be comfortable signing it off if it was a ‘commonly designed pole shed’”.
- 2.12 On 1 March 2019 the applicant emailed the authority regarding the possibility of an exemption from requiring a building consent under Schedule 1 (“a Schedule 1 exemption”). This and later emails 1-4 March 2019 are summarised below.

applicant	<ul style="list-style-type: none"> • thought shelter could fit the criteria for Schedule 1 exemption – it was a shelter not stables, it would be in a fenced paddock, and people would have no reason to enter it • sent site plan with location of shelter in relation to a proposed barn, which would be the next building to be constructed. On 13 June 2019 the applicant advised there were no short or medium term plans to build on the site.
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⁹ The authority contends it referred to the work as being not “restricted building work” and not “non-structural”.

¹⁰ New Zealand Standard NZS 3604:2011 Timber-framed buildings

¹¹ Producer Statement - Design

¹² New Zealand Standard NZS 4203:1992 Volumes 1 & 2: General structural design and design loadings for buildings (this standard has been superseded by AS/NZS 1170)

¹³ Joint Australia New Zealand Standard AS/NZS 1170.0:2002 Structural design actions

authority	<ul style="list-style-type: none"> • did not believe the shelter was exempt work • it “will not issue an exemption under Schedule 1(2) for a pole shed” saying this exemption was “generally for work covered by both engineered design and inspections” where the authority felt it did “not add any value to the consent such as an engineered toilet block in a public park”.
applicant	<ul style="list-style-type: none"> • asked the authority to clarify whether or not building consent was needed and, if it declined to grant a Schedule 1 exemption, to provide its reasons
authority	<ul style="list-style-type: none"> • said it had discussed the matter in-house, considered the structure was a building in terms of the Act and an “outbuilding” under the general provisions of the [Building Code]” • did not agree it could be considered exempt work, said “would caution you against proceeding as proposed” • “essentially, a structure ... at no more than 20m² could be achieved under Schedule 1” • this was not exempt work [under Schedule 1(4)] as the shelter: <ul style="list-style-type: none"> ○ did not house plant and machinery ○ was a building that people would enter ○ was not for use by those engaged in consented building work

2.13 On 6 March 2019 I received an application for determination. I accepted this application on 15 April 2019 after further discussion with the authority as follows, and which failed to resolve the dispute.

2.14 On 4 April 2019 the authority responded to the Ministry’s query about consideration of the applicant’s proposed shelter as exempt work, saying:

- The authority did not believe the shelter’s design met the criteria of Schedule 1(4)(1)(b)¹⁴, as “we were advised this shelter would be used for storage as a secondary use, therefore not solely for animals but also used by people to access the storage”.
- The first and second designs that were provided had no calculations for the authority’s engineer to verify, and the second (a proprietary design specifying NZS 4203) also referenced a superseded standard.
- That meant the authority could not ascertain whether the building design met the Building Code, so it could not issue a Schedule 1 exemption.
- The shelter needs to comply with the Building Code as required by section 17.¹⁵
- If the applicant proceeded to construct the shelter under Schedule 1(4)(1)(b), the authority had concerns which might require it to take enforcement action.

2.15 On 15 April 2019, in response to a further query from the Ministry, the authority said it did not believe a recent determination¹⁶ was comparable to this situation for reasons including that there was stronger confidence the structure referred to in that determination would be compliant with the Building Code and, even if not, was unlikely to endanger people or another building.

¹⁴ Schedule 1(4) Unoccupied detached buildings (1) Building work in connection with any detached building that – ... (b) is a building, or is in a vicinity, that people cannot enter or do not normally enter

¹⁵ Section 17 of the Act says “All building work must comply with building code to the extent required by this Act...”

¹⁶ Determination 2018/013: Regarding the authority’s decision to require a building consent for the installation of a frost fan (20 April 2018)

- 2.16 The authority said the applicant's proposed building, which it understood would be used for horse shelter and storage on a rural/residential setting, was not designed to any proven standard or engineer design; was considered a one-off design (no history in use); and would not involve specialist contractors to carry out the work. The authority added that it knew the building was not likely to be "built to the Building Code".

3. The submissions

3.1 The initial submissions

- 3.1.1 The applicant provided a submission and summary of events, three pages of drawings, a location sketch and relevant correspondence.
- 3.1.2 In her submission the applicant said the intent was to build the shelter to be compliant and she had endeavoured to follow the correct process.
- 3.1.3 The applicant said (in summary):
- The proposal was for a run-in shelter from the elements, not stables, and it had no facility or provision to contain the animals. There was no reason for people to enter the shelter and it would not be suitable for storage.
 - They had decided to draw their own plans as the cost of getting the building firm to do this and applying for consent would be nearly half the cost of the shelter, which was "after all, a paddock shelter, not a house or a building for people". They had envisaged getting a registered builder at least to put in the poles and construct the framework.
 - An engineering firm they contacted after the authority's RFI (refer paragraph 2.8, final bullet point) said it would need to redraw the plans to put its name to them. The cost of this had come as a shock as the authority had not previously advised this engineering verification was necessary.
 - The structure was a commonly designed pole shed, and the applicant was surprised the authority could not sign it off.
- 3.1.4 With respect to Schedule 1 generally, the applicant said she appreciated the intent behind the legislation to allow exemptions for buildings that were unlikely to pose a safety risk to property owners or others coming onto a property, and that it differentiated between buildings that people routinely accessed from those they did not. In addition, she said the compliance costs in getting a consent would make the project uneconomic.
- 3.1.5 In response to the authority's reasoning for considering the shelter did not meet the criteria for Schedule 1(4) the applicant said:
- the shelter did not need to house plant or machinery, or to be a building for those engaged in building work, to be exempt
 - it would be in a locked, fenced, horse paddock, and most people on rural properties did not direct vehicle or foot traffic through paddocks where animals were kept
 - there were presently no buildings on site; when they did build the house it would not be located in the horse paddock.

- 3.1.6 The authority did not provide a response to the application aside from its earlier emails to the Ministry (paragraphs 2.14 to 2.16).
- 3.1.7 The Ministry was advised by the authority on 23 May 2019 that work on the shelter had commenced. On 13 June 2019 the Ministry advised the parties that a Schedule 1(2) exemption was not able to be issued in respect of completed building work and asked the applicant to confirm the current status of the building work. On the same day the applicant advised that the shelter would be completed in the next two weeks, confirmed that the shelter would always be located on grazing land, and that there were “no short or medium term plans” to build on the site.

3.2 The draft determination and responses received

- 3.2.1 A draft of this determination was issued to the parties for comment on 18 June 2019. The draft concluded that the authority incorrectly exercised its powers in declining the exemption under Schedule 1(2) for the proposed horse shelter.
- 3.2.2 The authority accepted the draft on 25 June 2019 but noted the following (in summary):
- the date on the authority received the revised details for the horse shelter was confirmed, being 12 February 2019
 - the horse shelter was greater in area (31.7m²) than provided for in Table 3.2 of AS/NZS 1170.0 (<30m²)
 - a correction of the version date for NZS 4203 was noted.

I have amended the determination as appropriate.

- 3.2.3 The applicant accepted the draft without comment on 23 June 2019.

4. Discussion

4.1 The legislation

- 4.1.1 Section 17 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. Section 41 sets out those cases in which consent is not required and includes “any building work described in Schedule 1”.
- 4.1.2 The Ministry’s guidance on exempt building work¹⁷ describes Schedule 1 generally as covering building work that will not affect the building’s structure or fire safety and that do not pose a risk to public safety.
- 4.1.3 Exemptions under Schedule 1 recognise that minor and low-risk building work should not be subject to the requirements of the building consent process. The Ministry’s guidance says:

The purpose of Schedule 1 ... is to exempt building work that is low-risk from requiring a building consent, because the costs associated with obtaining a consent are likely to outweigh any benefits that requiring a building consent may offer.

Schedule 1 exemptions are generally for building work that will not affect the building’s structure or fire safety and that do not pose a risk to public safety.

¹⁷ Guidance: Building work that does not require a building consent (Fourth Edition, July 2019), available from the Ministry’s website www.building.govt.nz

4.1.4 The relevant extract of Schedule 1 in this case, Schedule 1(2)(b) provides:

2 Territorial and regional authority discretionary exemptions

Any building work in respect of which the territorial authority or regional authority considers that a building consent is not necessary for the purposes of this Act because the authority considers that—

- (a) the completed building work is likely to comply with the building code; or
- (b) 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.

4.1.5 Schedule 1(2) exemptions are described in the Ministry’s guidance as—

This exemption can be applied across a wide range of building work. At one end of the scale, the council may choose to exempt simple, low-risk, repetitive-type building work; e.g. relating to farm buildings, proprietary garages or bus shelters (typically buildings of importance level 1 from Building Code clause A3 – Building importance levels)

4.1.6 The Importance levels stated in Clause A3 are for the purposes of the fire safety clauses only. Importance levels with respect to structure are described in AS/NZS 1170.0. The Importance levels in that standard are explicitly linked to the consequences of failure (refer Table 3.1, see Appendix A3), with Importance Level 1 (“IL1”) buildings having:

Low consequence for loss of human life, or small or moderate economic, social or environmental consequences

4.1.7 AS/NZS 1170.0 also provides examples of importance level 1 buildings: these include structures with a total floor area of less than 30 m², farm buildings and isolated structures. The authority has noted the shelter has an area greater than 30 m², but I nonetheless consider the horse shelter is an IL1 building for the purposes of AS/NZS 1170.0. Commentary CF2 of AS/NZS 1170.0 states:

Importance level 1 is for structures that present a much lower than normal risk to life and property. Such structures will be minor, isolated, rarely contain people and not required as part of normal infrastructure. They are almost expendable.

4.2 Assessment for exemption under Schedule 1(2)

4.2.1 The applicant considers the proposed shelter meets the criteria for a Schedule 1(2)(b) exemption. She argues that it is not intended or designed for anything other than sheltering animals, and that the costs of obtaining engineering sign-off as well as building consent are disproportionate to its value and low risk, including its location in a fenced paddock in a rural location.

4.2.2 The authority disagrees, saying it could not ascertain whether the shelter’s design meets the Building Code – and it does not consider compliance likely – so it could not issue a Schedule 1(2) exemption. The authority also says it has been advised the shelter would also be used for storage, so people would use it.

4.2.3 I have quoted above from the Ministry’s guidance on the intent of Schedule 1 and application of Schedule 1(2). The guidance also suggests that authorities have procedures for making formal decisions under Schedule 1(2) that meet the criteria of subclauses 2(a) and 2(b).

- 4.2.4 In this regard the guidance suggests that, when determining the likelihood of compliance, authorities' considerations should include:
- any substantial previous demonstration of competence in carrying out similar building work
 - the complexity of the work relative to the competence of those undertaking it, and
 - any independent quality assurance or checks during the work.
- 4.2.5 The guidance also suggests that, when determining the likelihood of endangerment (in relation to subclause 2(b)), authorities' considerations should include the building work's:
- general location (e.g. if high density urban or remote rural), and
 - proximity to the property boundary and/or other buildings.
- 4.2.6 In its advice to the applicant, the authority said Schedule 1(2) exemptions were generally reserved for building work covered by both engineered design and inspections where it felt it did not add any value to the consent, such as for an engineered toilet block in a public park. In my view this approach does not encompass the range of low-risk, simple building work that Schedule 1 contemplates. In particular, it appears to disregard the provision in Schedule 1(2)(b), which enables the authority to grant an exemption from requiring a building consent:
- ...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.
- 4.2.7 With regard to the applicant's shelter, I appreciate the authority's concerns about compliance and note that it is entitled to seek further information. The authority is also correct to state that all building work, exempt or not, must comply with the Building Code. As it is described the intended construction appears reasonably robust and does not raise specific concerns about the building's likely structural stability.
- 4.2.8 However, in my view the authority has not sufficiently considered the low likelihood and consequences of failure (i.e. endangerment) of this shelter before refusing to grant a Schedule 1(2) exemption. In particular the following is noted:
- **level of risk to life and property** – the shelter is an IL1 (low risk) farm building with a floor area greater than 30 m², the shelter is relatively small and easily repaired and can be considered low risk and presents little danger to people or property (refer paragraphs 4.1.5 to 4.1.7). I appreciate that the shelter is not a repetitive design.
 - **specific design** – the design may not be in accordance with a particular standard but the shelter is a relatively simple, single-storey timber-framed structure using commonly-available materials and components. It is completely open on one side, has permanent openings on another, and a bare earth floor – it attracts minimal compliance requirements.
 - **construction** – the applicant says the intent is to get a “registered builder” to install the poles and construct the framework. Based on the drawings provided to me, the construction of this shelter is straightforward.

- **location** – I consider the likelihood of endangering other people or property arising from the shelter’s location is low, as it will be in a locked and fenced paddock set back from property boundaries.
- **use** – the authority says it was advised the structure would also be used for storage but the applicant says it is only for animal shelter. As the shelter will be fully open along its front elevation and have permanent high-level openings along the full width of its rear elevation, I consider its potential use for storage is very limited. As one side is fully open this also means any occupants can readily exit if this becomes necessary.

4.2.9 In my view the proposed horse shelter comes within the intended scope of Schedule 1(2). I consider the work is low risk, does not pose a risk to public safety, and that any benefits that may accrue from ensuring the shelter’s compliance with the small number of Building Code provisions that apply to it are offset by the cost to the applicant in having to apply for a building consent.

4.2.10 In conclusion, I consider the authority was incorrect to refuse an exemption under Schedule 1(2) for the reasons given. As noted in paragraph 3.1.7, the construction of the shelter has commenced and a Schedule 1(2) exemption in respect of this work is now unable to be granted.

4.2.11 It is worth noting here that the information required from the applicant for the authority to consider an exemption under Schedule 1(2) is not the same level of information that would be required to support an application for building consent (refer Determination 2013/008¹⁸). As noted in that determination the level of information required to support an application for a Schedule 1(2) exemption will vary according to the circumstances. However, simpler, lower risk work may be appropriately supported by considerably less information than would be required for a building consent.

4.3 Exemption under Schedule 1(4)

4.3.1 The possibility that the shelter was exempt from the need for a building consent under Schedule 1(4) has been raised by the parties. While not part of the matter to be determined, I offer the following comments. Schedule 1(4) covers:

- 4 Unoccupied detached buildings
- (1) Building work in connection with any detached building that—
 - (a) houses fixed plant or machinery and under normal circumstances is entered only on intermittent occasions for the routine inspection and maintenance of that plant or machinery; or
 - (b) is a building, or is in a vicinity, that people cannot enter or do not normally enter; or
 - (c) is used by people engaged in building work [in relation to another building for which consent is required]

4.3.2 I do not consider the shelter falls under Schedule 1(4) for the following reasons:

- the shelter does not house fixed plant or machinery and is unlikely to be used for that purpose given its open construction
- there is a reasonable expectation people will be in the horse paddock and will enter the shelter from time to time to tend to the animals and similar

¹⁸ Determination 2013/008: Regarding the refusal to issue an exemption under Schedule 1(k) for a proposed farm implement shed (2 April 2013). Note that Schedule 1(k) was an equivalent provision to the current Schedule 1(2).

- the shelter cannot be reasonably considered a “site office” or similar employed in the construction of a separate consented building.

4.4 What is to be done?

- 4.4.1 The applicant can apply to the authority for a certificate of acceptance to regularise the completed work. A certificate of acceptance can be issued in respect of the Building Code clauses the authority considers have been satisfied taking into account the level of compliance required for a building of this importance level.

5. The decision

- 5.1 In accordance with section 188 of the Building Act 2004, I hereby determine that the authority incorrectly exercised its powers in declining the exemption under Schedule 1(2) for the proposed horse shelter for the reasons given.

Signed for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment on 24 July 2019.

Katie Gordon
Manager Determinations

Appendix A

The relevant extracts from the Act, the Building Code; and AS/NZS 1170.0 include:

A1 Building Act 2004

17 All building work must comply with building code

All building work must comply with the building code to the extent required by this Act, whether or not a building consent is required in respect of that building work.

41 Building consent not required in certain cases

(1) Despite section 40, a building consent is not required in relation to—

...

- (a) any building work described in Schedule 1 for which a building consent is not required ...

Schedule 1: Building work for which building consent not required

2 Territorial and regional authority discretionary exemptions

Any building work in respect of which the territorial authority or regional authority considers that a building consent is not necessary for the purposes of this Act because the authority considers that—

- (a) the completed building work is likely to comply with the building code; or
- (b) 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.

...

4 Unoccupied detached buildings

(1) Building work in connection with any detached building that—

- (a) houses fixed plant or machinery and under normal circumstances is entered only on intermittent occasions for the routine inspection and maintenance of that plant or
- (b) is a building, or is in a vicinity, that people cannot enter or do not normally enter; or
- (c) is used only by people engaged in building work—
 - i) in relation to another building; and
 - ii) for which a building consent is required.

(2) However, subclause (1) does not include building work in connection with a building that is closer than the measure of its own height to any residential building or to any legal boundary.

...

A2 New Zealand Building Code

Clause A1—Classified Uses

1.0 Explanation

1.0.1 For the purposes of this building code buildings are classified according to type, under seven categories.

1.0.2 A building with a given classified use may have one or more intended uses as defined in the Act.

7.0 Outbuildings

7.0.1 Applies to a building or use which may be included within each classified use but are not intended for human habitation, and are accessory to the principal use of associated buildings. Examples: a carport, farm building, garage, greenhouse, machinery room, private swimming pool, public toilet, or shed.

...

Clause A3—Building importance levels

For the purposes of clause C, a building has one of the importance levels set out below:

Importance level	Description of building type	Specific structure
Importance level 1	Buildings posing low risk to human life or the environment, or a low economic cost, should the building fail. These are typically small non-habitable buildings, such as sheds, barns, and the like, that are not normally occupied, though they may have occupants from time to time.	<ul style="list-style-type: none"> • Ancillary buildings not for human habitation • Minor storage facilities • Backcountry huts
Importance level 2	Buildings posing normal risk to human life or the environment, or a normal economic cost, should the building fail. These are typical residential, commercial, and industrial buildings.	All buildings and facilities except those listed in importance levels 1, 3, 4, and 5
...

A3 AS/NZS 1170.0: 2002 Structural design actions

Structural design actions – Part 0: General principles

Section 3 Annual probability of exceedance (for structures in New Zealand only)

3.3 IMPORTANCE LEVELS

The importance level of the structure shall be determined in accordance with its occupancy and use, as given in Tables 3.1 and 3.2. The Table describes, in general terms, five categories of structure and gives some examples of each. For those buildings not specifically mentioned, the designer will need to exercise judgement in assigning the appropriate level.

Structures that have multiple uses shall be assigned the highest importance level applicable for any of those uses. Where access to a structure is via another structure of a lower importance level, then the importance level of the access structure shall be designated the same as the structure itself.

TABLE 3.1
CONSEQUENCES OF FAILURE FOR IMPORTANCE LEVELS

Consequences of failure	Description	Importance level	Comment
Low	Low consequence for loss of human life, or small or moderate economic, social or environmental consequences	1	Minor structures (failure not likely to endanger human life)
Ordinary	Medium consequence for loss of human life, or considerable economic, social or environmental consequences	2	Normal structures and structures not falling into other levels
High	High consequence for loss of human life, or very great economic, social or environmental consequences	3	Major structures (affecting crowds)
		4	Post-disaster structures (post disaster functions or dangerous activities)
Exceptional	Circumstances where reliability must be set on a case by case basis	5	Exceptional structures

TABLE 3.2
IMPORTANCE LEVELS FOR BUILDING TYPES—NEW ZEALAND STRUCTURES

Importance level	Comment	Examples
1	Structures presenting a low degree of hazard to life and other property	Structures with a total floor area of <math><30\text{ m}^2</math> Farm buildings, isolated structures, towers in rural situations Fences, masts, walls, in-ground swimming pools
2	Normal structures and structures not in other importance levels	Buildings not included in Importance Levels 1, 3 or 4 Single family dwellings Car parking buildings
...

AS/NZS 1170.0 Supplement 1:2002 Structural design actions

General principles—Commentary

CF2 IMPORTANCE LEVELS

...

The background of the importance levels is as follows:

- (a) Importance level 1 is for structures that present a much lower than normal risk to life and property. Such structures will be minor, isolated, rarely contain people and not required as part of normal infrastructure. They are almost expendable.
- (b) Importance level 2 covers most structures. This is the 'normal' level and is the default level into which most structures will fall. ...