

Part 3: Building work for which design is carried out or reviewed by a chartered engineer

Find out what building work doesn't require a building consent as long as it is designed or reviewed by a chartered professional engineer.

Read the guidance below or go back to [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/).

The five exemptions in Part 3 of Schedule 1 of the Building Act 2004 relate to building work for which the design is either carried out or reviewed by a chartered professional engineer. This is a professional engineer registered by Engineering New Zealand. To qualify for this registration, engineers must be able to demonstrate the required level of competence.

Note: The general conditions and limits of section 42A of the Building Act apply to all Schedule 1 exemptions.

Check they are authorised to do the work

It is recommended that you, the owner, should verify the current registration status of the engineer you propose to use before any design work commences. This can be done by checking the [Engineering New Zealand public register \(https://members.engineeringnz.org/search/search-register\)](https://members.engineeringnz.org/search/search-register)

39. Signs

Building work related to signs doesn't require a building consent if the design has been carried out or reviewed by a chartered professional engineer.

What the law says

Schedule 1 of the Building Act 2004 states the following:

Building work in connection with any sign (whether freestanding or attached to a structure), and any structural support of the sign.

Guidance on the exemption

Unlike [exemption 25 \(https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/part-1-exempted-building-work/25-signs/\)](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/part-1-exempted-building-work/25-signs/) which also relates to signs, this exemption places no restriction on size or height above the supporting ground as long as the design of the sign, including mounting and any foundation details, has been carried out or reviewed by a chartered professional engineer.

Signs on heritage or character buildings, or in urban areas

If you are proposing to put signs on heritage or character buildings or in urban areas, it is important to check with the local council first. There may be restrictions in the council's district plan (made under the Resource Management Act 1991) on the type of signs you can construct without first having to obtain a resource consent.

Example where this exemption could apply

Any sign designed by a chartered professional engineer.

Example where building consent is required

Installing a 20 square metre sign that has not been designed or reviewed by a chartered professional engineer. The sign is not covered by this exemption as a chartered professional engineer was not involved. It is also too large to be covered by [exemption 25 \(https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/part-1-exempted-building-work/25-signs/\)](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/part-1-exempted-building-work/25-signs/), so its installation will require a building consent.

40. Plinths

Building work related to plinths or foundations for plant/machinery and the like doesn't require a building consent if the design has been carried out or reviewed by a chartered professional engineer.

What the law says

Schedule 1 of the Building Act 2004 states the following:

Building work in connection with any plinth or similar foundation if the plinth or foundation supports plant, a tank, equipment, machinery, or any similar item.

Guidance on the exemption

This exemption recognises that plinths usually involve specific engineering design because of the need to support heavy loads (eg tanks, mechanical items like printing presses and metal working machines, or large statues).

It acknowledges the fact that requiring a building consent when the plinth has already been designed by a chartered professional engineer would add compliance costs (which are usually disproportionate to the construction costs) for little benefit.

Examples where this exemption could apply

Constructing a plinth (designed by a chartered professional engineer) for a tank.

A company plans to build a concrete base to support heavy machinery in a plant room. The base design has been reviewed by a chartered professional engineer

Example where building consent is required

Constructing a reinforced concrete base (not designed or reviewed by a chartered professional engineer) for several stainless steel holding vats in a winery. A building consent is required because the design was neither designed nor reviewed by a chartered professional engineer.

41. Retaining walls

A retaining wall in a rural zone usually doesn't require a building consent if it's designed by a chartered professional engineer, and is further away from a legal boundary or building than its own height.

What the law says

Schedule 1 of the Building Act 2004 states the following:

1. Building work in connection with a retaining wall in a rural zone, if:

- (a) the wall retains not more than 3 metres depth of ground; and
- (b) the distance between the wall and any legal boundary or existing building is at least the height of the wall.

2. In subclause (1), rural zone means any zone or area (other than a rural residential area) that, in the district plan of the territorial authority in whose district the building work is to be undertaken, is described as a rural zone, rural resource area, or rural environment, or by words of similar meaning.

Guidance on the exemption

This exemption extends what is allowable without a building consent under [exemption 20 \(https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/part-1-exempted-building-work/20-retaining-walls/\)](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/part-1-exempted-building-work/20-retaining-walls/) – retaining walls.

It also exempts retaining walls designed or reviewed by a chartered professional engineer of up to 3 metres and in a rural zone as long as they are not too close from the boundary or existing buildings (refer to subclause (1)(b)).

This exemption recognises that in low density rural zones (eg on farms) the consequences of failure of any retaining wall are less likely to cause injury than they would be in higher density urban environments. The additional requirement for a chartered professional engineer to be involved also helps to make sure that retaining walls covered under this exemption are less likely to fail.

Note: If there is a fall of at least 1 metre, a safety barrier may be required under Building Code clause F4 – Safety from falling.

Examples where this exemption could apply

Constructing a retaining wall on a rural property that is 2.5 metres high, 3 metres away from an existing dwelling, and is designed by a chartered professional engineer.

A farmer decides to rebuild an earthquake-damaged retaining wall on his rural property that is 3 metres high and located 6 metres away from a legal boundary. The wall design has been reviewed by a chartered professional engineer.

Examples where building consent is required

Constructing a retaining wall on a rural property with a height of 3 metres, 1 metre away from an existing dwelling and designed by a chartered professional engineer. A building consent is required because the wall is closer to the dwelling than its own height.

Constructing a retaining wall on a rural property that is 3 metres high and 5 metres away from the property boundary which has been designed by an engineer, but not a chartered professional engineer. Though the retaining wall is not located closer to a legal boundary than its own height, a building consent is required as the wall has not been designed or reviewed by a chartered professional engineer.

42. Certain public playground equipment

Playground equipment for licensed childcare centres and certain public organisations doesn't require a building consent if it is designed by a chartered professional engineer.

What the law says

Schedule 1 of the Building Act 2004 states the following:

Building work in connection with playground equipment if the work is for a government department, Crown entity, licensed early childhood centre, territorial or regional authority, or other similar public organisation.

Guidance on the exemption

This exemption recognises that the building consent process would add disproportionately high compliance costs and limited value in cases where certain public playground equipment is either designed or reviewed by a chartered professional engineer.

This exemption applies to playgrounds under the control of certain public or licensed organisations that already have strong incentives to operate systems to make sure public safety concerns are well managed.

Examples where this exemption could apply

New playground equipment, designed by a chartered professional engineer, in an existing or new licensed childcare centre.

A primary school installs new playground equipment, where the design has been reviewed by a chartered professional engineer.

Example where building consent is required

New playground equipment at an existing childcare centre not designed or reviewed by a chartered professional engineer.

43. Removal of sign, plinth, retaining wall, or public playground equipment

A building consent is not required to remove signs, plinths, retaining walls and public playground equipment.

What the law says

Schedule 1 of the Building Act 2004 states the following:

The removal of any of the structures referred to in clauses 39 to 42, whether or not the design of the structure has been carried out or reviewed by a chartered professional engineer

Guidance on the exemption

This exemption was introduced to cover the removal of signs, plinths, retaining walls, or public playground equipment because their removal is not included in the respective exemptions 39 to 42.

Examples where this exemption could apply

Removing a 75 square metre billboard/sign from the side of a multi-storey apartment building.

Removing a retaining wall to make way for constructing a new garage.

Following the purchase of a property, the new owner of a licensed childcare centre decides to remove a 4.5 metre high slide constructed by the previous owner.

Example where building consent is required

Removing a 4 metre high rural retaining wall which is supporting other structures (eg a driveway and building) would require a building consent because the height exceeds 3 metres.



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