

Everything you need to know

Before you start a building project, there are several things you should understand to ensure your build goes smoothly and you get the best outcome.



Purpose

This is guidance to building work that does not require a building consent under the Building Act 2004 (the Act). It lists all building work that doesn't need a building consent, with guidance to support compliance.

Who is this guidance for

- **Building and home owners** who are planning building work and carry out building work themselves
- **Trade and sector professionals** who may carry out building work or provide advice
- **Councils, building consent authorities and regional or territorial authorities** who may provide advice about what does or does not need a building consent.

How to use this guidance

This guidance provides information on each building consent exemption. To get started, we suggest you read the sections on:

- the context for exempt work
- seeking advice
- building owners' responsibilities
- amendments to building consent exemptions
- the relevant exemption for the work you wish to carry out.

The building consent exemptions have been grouped by building project type to help homeowners and trade sector professionals easily find the information they need to depending on the type of work they'd like to carry out. Refer to the section on Technical requirements for exempt building work.

More information

Links to previous legislation (<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/everything-you-need-to-know/links-to-earlier-legislation/>).

Useful links (<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/everything-you-need-to-know/useful-links/>).

Glossary. (<https://www.building.govt.nz/glossary/>)

Some work is exempt

New Zealand's building legislation recognises some building work does not require a building consent. The list of building work includes conditions to manage risk.

The list of building work that does not require a building consent is provided under Schedule 1 of the Building Act 2004 (the Act).

For more information see

Building Act 2004 (<http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM306036.html>)

Section 41 of the Building Act 2004 (<http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM306377.html>)

Section 42A of the building Act 2004 (http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM5767750.html?search=ts_regulation_building_rese)

Schedule 1, Building work for which building consent is not required (<http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM5770963.html>) (<https://www.building.govt.nz>)

The technical requirements for exempt building work section describes building work for which a building consent is not required. Detailed information and several examples are provided in this guidance. All building work, whether it needs a building consent or is exempt, must still comply with the Building Code and other relevant legislation including:

- Plumbers, Gasfitters, and Drainlayers Act 2006 (<http://www.legislation.govt.nz/act/public/2006/0074/latest/DLM396778.html>)
- Gas Act 1992 (<http://www.legislation.govt.nz/act/public/1992/0124/latest/DLM285412.html>)
- Gas (Safety and Measurement) Regulations 2010 (<http://www.legislation.govt.nz/regulation/public/2010/0076/latest/DLM2359501.html>)
- Electricity Act 1992 (<http://www.legislation.govt.nz/act/public/1992/0122/latest/DLM281858.html>)
- Electricity (Safety) Regulations 2010 (<http://www.legislation.govt.nz/regulation/public/2010/0036/latest/DLM2763501.html>)
- Resource Management Act 1991 (<http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html>)
- Fire and Emergency New Zealand Act 2017 (<http://www.legislation.govt.nz/act/public/2017/0017/latest/DLM6712701.html>)
- Health and Safety at Work Act 2015 (<http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5976660.html>)
- Local Government Act 2002 (<http://www.legislation.govt.nz/act/public/2002/0084/167.0/DLM170873.html>).

Offences and penalties

A responsible authority such as the council is able to issue a notice to fix. A notice to fix is a warning to correct an instance of non-compliance with the Building Code and/or Building Act 2004. For example, the requirement to obtain a building consent where necessary and the requirement for all building work to comply with the Building Code. If you fail to correct the non-compliance, you are liable on conviction of a maximum fine of \$200,000 and a further \$20,000 for each day the offence is continued. An instant fine of \$1,000 can also be issued if a notice to fix is not complied with.

Certificate of Acceptance

You should note that exemptions are not retrospective. If you carried out unconsented building work, after 31 March 2005, which was not exempt when it was undertaken (ie it was not covered by an exemption in the legislation in force at the time), you will need to apply to the territorial authority for a certificate of acceptance.

Ask for advice

As a home or building owner, you are responsible for:

- determining whether or not your building work is exempt from requiring a building consent or not
- making sure that any exempt building work complies with the Building Code and other relevant legislation.

If you are not sure whether or not your building work is exempt, it is important to get advice from a professional who has building knowledge and expertise. Even if your building work is exempt, you can still apply for a consent from your local building consent authority, if you want extra peace of mind that your plans are compliant.

Who you can ask for advice:

- Building consent authority (typically a district or city council), as they have extensive building control expertise and planning expertise and information about exemptions and building consent processes (they may charge a fee for this)
- Registered Architect
- Chartered Professional Engineer
- Registered Building Surveyor
- Building consultant
- Registered Electrician
- Licensed Building Practitioner – check they hold the relevant licensing class before seeking advice
- Registered Certifying Plumber or Drainlayer
- Independent qualified person (IQP)

Discretionary exemptions

You can apply for a discretionary exemption through your local council. We recommend you talk to your council first before applying.

Who can undertake exempt work

Some exempt building work requires that an authorised professional carry out, supervise, design or review the design of the proposed work. These professionals include:

- **Chartered Professional Engineers** for work that must be designed or have the design reviewed by a chartered professional engineer, who is registered under the Chartered Professional Engineers of New Zealand Act 2002
- **Plumbers and Drainlayers** for work that must be carried out by a person authorised under the Plumbers, Gasfitters and Drainlayers Act 2006
- **Licensed Building Practitioners (LBP)** for work that must be carried out or have the design and construction supervised by a Licensed Building Practitioner, who is registered under Part 4 of the Building Act 2004

[Chartered Professional Engineers of New Zealand Act 2002 \(http://www.legislation.govt.nz/act/public/2002/0017/latest/DLM144381.html\)](http://www.legislation.govt.nz/act/public/2002/0017/latest/DLM144381.html)

[Plumbers, Gasfitters and Drainlayers Act 2006 \(http://www.legislation.govt.nz/act/public/2006/0074/latest/DLM396778.html\)](http://www.legislation.govt.nz/act/public/2006/0074/latest/DLM396778.html)

[Building Act 2004, Part 4 – Regulation of building practitioners \(http://www.legislation.govt.nz/act/public/2004/0072/141.0/DLM308268.html\)](http://www.legislation.govt.nz/act/public/2004/0072/141.0/DLM308268.html)

Some other registered or licensed practitioners are deemed to be Licensed Building Practitioners (LBP) for the purpose of licensing. These practitioners are entitled to use any LBP related exemptions due to their registration or licence with another regulatory authority. Practitioners deemed to be licensed are as follows:

- Registered Architects are deemed to be licensed in Design
- Chartered Professional Engineers are deemed to be licensed in Design and Site
- Certifying Plumbers are deemed to be licensed in Roofing, External Plastering and Bricklaying and Blocklaying.

Authorised professionals will be registered with their respective professional body. Each professional body has to have a public register, which enables you to check that your tradesperson or designer is authorised to carry out the work as an authorised person. You can access the relevant public registers below:

- [Register of Plumbers, Gasfitters and Drainlayers \(https://www2.pgdb.co.nz/public-register?login=Trade+Login\)](https://www2.pgdb.co.nz/public-register?login=Trade+Login)
- [Register of Chartered Professional Engineers \(https://members.engineeringnz.org/search/search-register\)](https://members.engineeringnz.org/search/search-register)
- [Register of Licensed Building Practitioners \(https://lbp.ewr.govt.nz/PublicRegister/Search.aspx?l=petry&search=1&p=1\)](https://lbp.ewr.govt.nz/PublicRegister/Search.aspx?l=petry&search=1&p=1)

- [Register of Architects \(https://www.nzrab.nz/Search/\)](https://www.nzrab.nz/Search/)
- [Register of Electricians \(https://ewrb.ewr.govt.nz/publicregister/search.aspx\)](https://ewrb.ewr.govt.nz/publicregister/search.aspx)

There are also some exemptions that don't require an authorised professional. However, some of this building work may be too complex to complete without construction experience or technical understanding of the Building Code and other relevant legislation. If you're not sure how to comply, seek advice from a professional before you start your project.



New Zealand Government

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- with compliance with the Building Act, it is published under section 175 of the Building Act
- with a Weathertight Services claim, it is published under section 12 of the Weathertight Homes Resolution Services Act 2006.