

## Check if you need consents

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You need to work out whether or not you will need a building consent for your work. Find out what building work is exempt under the Building Act, when you need to involve your council, and when to call in the experts.

All building work done in New Zealand must comply with the Building Code, and many projects will need a building consent. If you're doing 'low-risk' building work, it may be exempt under the Building Act.

Some basic building work, such as laying a patio or installing kitchen cupboards, does not require a building consent. Most building work, however, does.

Commercial and multi-unit building work will also need careful planning and may have additional requirements.

Your council can tell you about any district or regional plans that may require you to get resource consent or other permits.

[Resource consents \(https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/resource-consent/\)](https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/resource-consent/) explains when these might be needed.

## Failing to have a consent

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You are breaking the law if you carry out building work that is not exempt and do not have a building consent. You may be fined up to \$200,000 and, if work continues, a further fine of up to \$10,000 for every day or part day during which the offence continues.

Your council can also issue you an infringement notice for carrying out building work without consent. This incurs an infringement fee of \$1000. They can remove the building work if it is dangerous or insanitary.

## Work requiring consent

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The list below is a summary of building work that will need a consent, but you need to check with your local council to be sure:

- structural building - additions, alterations, re-piling, some demolitions
- plumbing and drainage where additional sanitary fixture is created (some repair and maintenance may be exempt)
- relocating a building
- installing a woodburner or air-conditioning system
- retaining walls higher than 1.5 metres (3.0 metres in rural area if designed by a chartered professional engineer)
- fences or walls higher than 2.5 metres, and all swimming pools and their associated fences
- decks, platforms or bridges more than 1.5 metres above ground level
- sheds greater than 10 square metres in floor area
- some earthworks.

[Apply for building consent \(https://www.building.govt.nz/projects-and-consents/apply-for-building-consent/\)](https://www.building.govt.nz/projects-and-consents/apply-for-building-consent/) has information about how to apply.

## Work that doesn't require a consent

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

Below is an overview of the possible exemptions. We have also produced guidance to give you examples and technical details about each exemption in Schedule 1.

### Carrying out exempt work

Some exempt building work can be carried out by anyone. As a building owner, you are responsible for:

- deciding whether or not your building work is exempt
- making sure that any exempt building work complies with the Building Code.

You may want to contract a building practitioner for some types of work – even if you don't need a consent.

In the Schedule 1 Guidance: Building work that does not require a building consent, exempt building work is grouped into three parts, according to who has to do the work:

- Part 1: anyone can carry out this work
- Part 2: plumbing and draining work that can only be done by an authorised person, otherwise it will require a building consent
- Part 3: building work that is only exempt if it is designed or reviewed by a chartered professional engineer.

You can still choose to apply for a building consent, even if building work is exempt. Your local council must process your application.

On completion of any exempt building work, the altered building must comply with the Building Code to at least the same extent as it did before the building work was undertaken.

[Building consent exemptions for low-risk work \(https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/\)](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/) explains Part 1 exemptions.

[Plumbing and drainage work and building consents \(https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/plumbing-and-drainage-work/\)](https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/plumbing-and-drainage-work/) gives you details of exemptions in Part 2.

[Building consent exemptions for work designed and reviewed by an engineer \(https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/exempt-work-when-designed-and-reviewed-by-a-chartered-engineer/\)](https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/exempt-work-when-designed-and-reviewed-by-a-chartered-engineer/) explains Part 3 exemptions.

### Seek expertise

If you are not sure if your proposed work is exempt, you should get advice from someone with the appropriate building knowledge and expertise.

You should also seek advice if you are considering building work that is close to load-bearing walls.

This could include:

- your local council (in its capacity as a building consent authority)
- registered architects
- chartered professional engineers
- registered building surveyors
- building consultants
- licensed building practitioners (with the relevant licence)
- registered certifying plumbers or drainlayers.

Councils have extensive building control expertise as well as information about exemptions and the building consent process.

Check licensed building practitioners have the relevant licence class if you are relying on their advice.

You may need to pay a building consent authority or other adviser for their advice.

[Choosing a licensed building practitioner \(https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/choosing-the-right-people-for-your-type-of-building-work/choosing-a-building-practitioner/\)](https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/choosing-the-right-people-for-your-type-of-building-work/choosing-a-building-practitioner/)

## Involving your council

If the scope of your building work is marginally beyond the scope of a particular exemption, you can apply to your local council for an Exemption 2.

This means your council can use its discretion in deciding whether your project needs a building consent. You should talk to your council before you make the application to see if it is a possibility.

## Urgent work

If you are a building owner, you must apply to your council for a certificate of acceptance if you do not obtain a consent because building work has to be carried out urgently.

Exemptions are not retrospective. If you carry out unconsented building work which was not exempt when it was undertaken (it was not covered by an exemption in the legislation in force at the time), you need to apply to your council for a certificate of acceptance.

[Certificate of acceptance \(https://www.building.govt.nz/projects-and-consents/sign-off-and-maintenance/completing-your-project/certificate-of-acceptance/\)](https://www.building.govt.nz/projects-and-consents/sign-off-and-maintenance/completing-your-project/certificate-of-acceptance/) explains this more.

## Provide your council information

When you complete any exempt building work on your property, you can consider notifying your council and providing it with any relevant documents. This includes:

- drawings
- specifications
- photographs.

This could avoid possible issues when on-selling your property, and enables your council to update your property file. You might avoid any confusion when potential purchasers check council's records and discover that the records do not align with what is seen on site. (Note that councils may charge for providing this service).

This information is published by the Ministry of Business, Innovation and Employment's Chief Executive. It is a general guide only and, if used, does not relieve any person of the obligation to consider any matter to which the information relates according to the circumstances of the particular case. Expert advice may be required in specific circumstances. Where this information relates to assisting people:

- 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.