

**Reprint
as at 4 December 2014**



**Building (Definition of Restricted
Building Work) Order 2011**
(SR 2011/317)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 12th day of September 2011

Present:
His Excellency the Governor-General in Council

Pursuant to sections 7 and 402(1)(n) of the Building Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Business, Innovation, and Employment.

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Order

- 1 Title**
This order is the Building (Definition of Restricted Building Work) Order 2011.
- 2 Commencement**
This order comes into force on 1 March 2012.

Matters of interpretation and application

- 3 Interpretation**
 - (1) In this order, unless the context otherwise requires,—
Act means the Building Act 2004
bricklaying or blocklaying work means the laying of bricks or blocks or erection of brickwork or blockwork
building element, in relation to a building, means any component or assembly (whether structural or non-structural) that is, or is to be, incorporated into or associated with it

external moisture-management system, in relation to a building,—

- (a) means a system (whether comprising only one or 2 or more building elements) that is intended to provide—
 - (i) resistance to the penetration of the building by moisture from outside it; or
 - (ii) resistance to the accumulation within the building's fabric of moisture that has penetrated it from outside the building; and
- (b) includes any of the building's building elements that are or form part of damp-proofing, roof cladding or a roof cladding system, a ventilation system, wall cladding or a wall cladding system, or waterproofing; and
- (c) includes any part of its external moisture-management system

external plastering work means—

- (a) the application of plaster to the outside of a building; or
- (b) the application of a proprietary plaster system to, or installation of a proprietary plaster system on, the outside of a building

fire-safety system, in relation to a building, means those of its building elements that are intended to protect people, household units adjacent to it, or other property from fire or the effects of fire; and includes building elements that are, or are parts of,—

- (a) emergency warning systems; and
- (b) systems intended to enable or facilitate the evacuation of the building in an emergency; and
- (c) systems intended to enable or facilitate fire-service operation; and
- (d) systems intended to suppress or control fire or smoke

house means a free-standing, fully detached building consisting of a single residential unit (or a single residential unit and 1 or more residential facilities)

household unit—

- (a) means a building or group of buildings, or part of a building or group of buildings, used or intended to be used solely or principally for residential purposes and

occupied or intended to be occupied exclusively as the home or residence of not more than 1 household; but

- (b) does not include a hostel or boardinghouse, or other specialised accommodation

maximum calculated height, in relation to a building, means the vertical distance between the highest point of its roof (excluding structures such as aerials, chimneys, flagpoles, and vents) and the lowest point of the ground

primary structure, in relation to a building,—

- (a) means those of its building elements that are intended to contribute to its ability to withstand vertical or horizontal loads (for example, its beams, bracing, columns, foundations, roof, subfloor framing, and walls); and
- (b) includes any part of its primary structure

residential facility means a part of a building that is not a residential unit, but is a facility (for example a corridor, foyer, garage, laundry, lift, sauna, or storage unit) whose principal or only purpose is ancillary to the use of a residential unit in the building (or 2 or more residential units in the building)

residential unit means a building, or part of a building, that is so designed that it is more suitable for being lived in by a single household or family than for any other use

roofing work means the construction or installation of roofs or the installation of roofing material

small-to-medium apartment building means a building that—

- (a) contains 2 or more residential units or residential facilities; and
- (b) does not contain parts that are neither residential units nor residential facilities; and
- (c) has a maximum calculated height of less than 10 m.
- (2) In this order, unless the context otherwise requires, terms defined in section 7 of the Act and used but not defined in this order have the meanings given by that section.

4 Order does not apply to certain building work or design work

This order does not apply to building work or design work relating to a building consent for which the application was made before the commencement of this order.

Building work

5 Certain building work relating to primary structure or external moisture-management systems of residential buildings to be restricted building work

- (1) The kinds of building work to which this clause applies are restricted building work for the purposes of the Act.
- (2) This clause applies to building work that is—
 - (a) the construction or alteration of—
 - (i) the primary structure of a house or a small-to-medium apartment building; or
 - (ii) the external moisture-management system of a house or a small-to-medium apartment building; and
 - (b) of a kind described in subclause (3); and
 - (c) of a kind for which a licensing class to carry out or supervise the work has been designated by Order in Council under section 285 of the Act.
- (3) The kinds of building work referred to in subclause (2)(b) are—
 - (a) bricklaying or blocklaying work;
 - (b) carpentry work;
 - (c) external plastering work;
 - (d) foundations work;
 - (e) roofing work.

Clause 5: replaced, on 4 December 2014, by clause 4 of the Building (Definition of Restricted Building Work) Amendment Order 2014 (LI 2014/341).

Design work

- 6 Certain design work relating to primary structure or external moisture-management systems of residential buildings to be restricted building work**
- (1) The kinds of design work described in subclause (2) are restricted building work for the purposes of the Act.
- (2) The design work referred to in subclause (1) is the preparation of any drawing, specification, or other document, according to which—
- (a) the primary structure of a house or a small-to-medium apartment building is proposed to be constructed or altered; or
- (b) any external moisture-management system attached to or forming part of a house or a small-to-medium apartment building is proposed to be constructed or altered.
- 7 Certain design work relating to fire-safety systems of small-to-medium apartment buildings to be restricted building work**
- The preparation of any drawing, specification, or other document, according to which any fire-safety system attached to or forming part of a small-to-medium apartment building is proposed to be constructed or altered is restricted building work for the purposes of the Act.

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 15 September 2011.

Reprints notes

1 *General*

This is a reprint of the Building (Definition of Restricted Building Work) Order 2011 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Building (Definition of Restricted Building Work) Amendment Order 2014 (LI 2014/341)
