



Building (Exempt Building Work) Order 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 27th day of July 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

This order is made under section 41(2) of the Building Act 2004 on the advice and with the consent of the Executive Council.

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Order

1 Title

This order is the Building (Exempt Building Work) Order 2020.

2 Commencement

This order comes into force on 31 August 2020.

3 Schedule 1 of Building Act 2004 amended

This order amends Schedule 1 of the Building Act 2004.

4 New clause 1AA inserted (Interpretation)

Above the Part 1 heading, insert:

1AA Interpretation

In this schedule, unless the context otherwise requires,—

Acceptable Solution B1/AS1 means Acceptable Solution B1/AS1 as set out in the Acceptable Solution for New Zealand Building Code Clause B1 Structure, issued by the chief executive under section 22 and available on the Ministry's Internet site, as in force on 28 November 2019

rural zone, in relation to building work, 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

Verification Method B1/VM1 means Verification Method B1/VM1 as set out in the Verification Method for New Zealand Building Code Clause B1 Structure, issued by the chief executive under section 22 and available on the Ministry's Internet site, as in force on 28 November 2019.

5 New clauses 3A and 3B inserted

After clause 3, insert:

3A Single-storey detached buildings exceeding 10, but not exceeding 30, square metres in floor area and constructed of lightweight material

- (1) Building work in connection with any detached building that—
- (a) is not more than 1 storey (being a floor level of up to 1 metre above the supporting ground and a height of up to 3.5 metres above the floor level); and

- (b) exceeds 10 square metres in floor area, but does not exceed 30 square metres; and
 - (c) is built using lightweight wall and roof materials, and in accordance with Acceptable Solution B1/AS1 for timber or steel buildings; and
 - (d) does not contain sanitary facilities or facilities for the storage of potable water; and
 - (e) does not include sleeping accommodation, unless the building is used in connection with a dwelling and does not contain any cooking facilities; and
 - (f) if it includes sleeping accommodation, has smoke alarms installed.
- (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.

3B Single-storey detached buildings exceeding 10, but not exceeding 30, square metres in floor area if work carried out or supervised by licensed building practitioner

- (1) Building work in connection with any detached building if—
- (a) any design or construction work is carried out or supervised by a licensed building practitioner; and
 - (b) the building—
 - (i) is not more than 1 storey (being a floor level of up to 1 metre above the supporting ground and a height of up to 3.5 metres above the floor level); and
 - (ii) exceeds 10 square metres in floor area, but does not exceed 30 square metres; and
 - (iii) does not contain sanitary facilities or facilities for the storage of potable water; and
 - (iv) does not include sleeping accommodation, unless the building is used in connection with a dwelling and does not contain any cooking facilities; and
 - (v) if it includes sleeping accommodation, has smoke alarms installed.
- (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.

6 New clause 4A inserted (Single-storey pole sheds and hay barns in rural zones)

After clause 4, insert:

4A Single-storey pole sheds and hay barns in rural zones

- (1) Building work in connection with a pole shed or hay barn in a rural zone if—
- (a) any design or construction work is carried out or supervised by a licensed building practitioner; and
 - (b) the building—
 - (i) is not more than 1 storey (being a floor level of up to 1 metre above the supporting ground and a height of up to 4 metres above the floor level); and
 - (ii) does not exceed 110 square metres in floor area; and
 - (iii) is not accessible by the public; and
 - (iv) is not used to store hazardous substances within the meaning of that term in regulation 4 of the Health and Safety at Work (Hazardous Substances) Regulations 2017; and
 - (c) the maximum unsupported roof span in any direction does not exceed 6 metres; and
 - (d) either—
 - (i) the design wind speeds do not exceed 44 metres per second (calculated using Verification Method B1/VM1); or
 - (ii) the building is located in a wind zone no greater than high (as defined in Acceptable Solution B1/AS1).
- (2) However, subclause (1) does not include any building work in connection with a building that is closer than the measure of its own height to any residential building, public road, railway, or legal boundary.

7 Clause 16 amended (Awnings)

Replace the heading to clause 16 with “**Awnings not exceeding 20 square metres in size**”.

8 New clause 16A inserted (Awnings exceeding 20, but not exceeding 30, square metres in size)

After clause 16, insert:

16A Awnings exceeding 20, but not exceeding 30, square metres in size

Building work in connection with an awning if—

- (a) any design or construction work is carried out or supervised by a licensed building practitioner; and
- (b) the awning—
 - (i) is on or attached to an existing building; and
 - (ii) is on the ground level of the building; and

- (iii) exceeds 20 square metres in size, but does not exceed 30 square metres; and
- (iv) does not overhang any area accessible by the public, including private areas with limited public access, for example, restaurants and bars.

9 Clause 17 amended (Porches and verandas)

Replace the heading to clause 17 with “**Porches and verandas not exceeding 20 square metres in floor area**”.

10 New clause 17A inserted (Porches and verandas exceeding 20, but not exceeding 30, square metres in floor area)

After clause 17, insert:

17A Porches and verandas exceeding 20, but not exceeding 30, square metres in floor area

Building work in connection with a porch or a veranda if—

- (a) any design or construction work is carried out or supervised by a licensed building practitioner; and
- (b) the porch or veranda—
 - (i) is on or attached to an existing building; and
 - (ii) is on the ground level of the building; and
 - (iii) exceeds 20 square metres in floor area, but does not exceed 30 square metres; and
 - (iv) does not overhang any area accessible by the public, including private areas with limited public access, for example, restaurants and bars.

11 Clause 18 amended (Carports)

Replace the heading to clause 18 with “**Carports not exceeding 20 square metres in floor area**”.

12 New clause 18A inserted (Carports exceeding 20, but not exceeding 40, square metres in floor area)

After clause 18, insert:

18A Carports exceeding 20, but not exceeding 40, square metres in floor area

Building work in connection with a carport if—

- (a) any design or construction work is carried out or supervised by a licensed building practitioner; and
- (b) the carport—

- (i) is on the ground level; and
- (ii) exceeds 20 square metres in floor area, but does not exceed 40 square metres.

13 New clause 23A inserted (Flexible water storage bladders)

After clause 23, insert:

23A Flexible water storage bladders

Building work in connection with a flexible water storage bladder that—

- (a) is on the ground; and
- (b) has an overall height of no more than 2 metres; and
- (c) does not exceed 200,000 litres in capacity; and
- (d) is at least 100 metres from any residential building or legal boundary; and
- (e) is used exclusively for irrigation or firefighting purposes.

14 New clauses 28A to 28C inserted

After clause 28, insert:

28A Permanent outdoor fireplaces and ovens

Building work in connection with a permanent outdoor fireplace or oven that—

- (a) is on the ground; and
- (b) is not covered by a roof or wall; and
- (c) has an overall height of no more than 2.5 metres, and a cooking surface of no more than 1 square metre; and
- (d) is at least 1 metre from any legal boundary or building; and
- (e) disposes of smoke in a way that does not create a nuisance to people or a hazard to any property.

28B Structures supporting water pipes

Building work in connection with a pipe-supporting structure that—

- (a) is on the ground; and
- (b) has an overall height, excluding the pipe, of no more than 1 metre; and
- (c) is at least 5 metres from any residential building, public road, railway, or legal boundary; and
- (d) is on private land with no public access to the structure; and
- (e) supports a single pipe that—
 - (i) has a maximum diameter of 300 millimetres; and
 - (ii) transports only water.

28C Ground-mounted solar panel arrays

Building work in connection with a ground-mounted solar panel array if—

- (a) the array, if outside a rural zone, does not exceed 20 square metres in size; and
- (b) the array is supported by a frame or structure that is on the ground; and
- (c) the frame or structure is attached to the ground by more than a single post; and
- (d) the distance from the top of the array to the ground does not exceed 4 metres; and
- (e) the array is at least 5 metres from any residential building, public road, railway, or legal boundary; and
- (f) either—
 - (i) the design wind speeds do not exceed 44 metres per second (calculated using Verification Method B1/VM1); or
 - (ii) the array is located in a wind zone no greater than high (as defined in Acceptable Solution B1/AS1).

15 Clause 43 replaced (Removal of sign, plinth, retaining wall, or public playground equipment)

Replace clause 43 with:

43 Single-storey detached buildings exceeding 10, but not exceeding 30, square metres in floor area (where kitset or prefabricated)

- (1) Building work in connection with any detached building if—
 - (a) the building is a kitset or prefabricated building, and the product manufacturer or supplier has complied with subclause (3); and
 - (b) the building work is carried out in accordance with the design referred to in subclause (3); and
 - (c) the building—
 - (i) is not more than 1 storey (being a floor level of up to 1 metre above the supporting ground and a height of up to 3.5 metres above the floor level); and
 - (ii) exceeds 10 square metres in floor area, but does not exceed 30 square metres; and
 - (iii) does not contain sanitary facilities or facilities for the storage of potable water; and
 - (iv) does not include sleeping accommodation, unless the building is used in connection with a dwelling and does not contain any cooking facilities; and

- (v) if it includes sleeping accommodation, has smoke alarms installed.
- (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.
- (3) The product manufacturer or supplier (as defined in section 14G) must have had the design of the building carried out or reviewed by a chartered professional engineer.
- 44 Carports exceeding 20, but not exceeding 40, square metres in floor area**
Building work in connection with a carport that—
- (a) is on the ground level; and
 - (b) exceeds 20 square metres in floor area, but does not exceed 40 square metres.
- 45 Awnings exceeding 20, but not exceeding 30, square metres in size**
Building work in connection with an awning that—
- (a) is on or attached to an existing building; and
 - (b) is on the ground level of the building; and
 - (c) exceeds 20 square metres in size, but does not exceed 30 square metres; and
 - (d) does not overhang any area accessible by the public, including private areas with limited public access, for example, restaurants and bars.
- 46 Porches and verandas exceeding 20, but not exceeding 30, square metres in floor area**
Building work in connection with a porch or a veranda that—
- (a) is on or attached to an existing building; and
 - (b) is on the ground level of the building; and
 - (c) exceeds 20 square metres in floor area, but does not exceed 30 square metres; and
 - (d) does not overhang any area accessible by the public, including private areas with limited public access, for example, restaurants and bars.
- 47 Short-span bridges on private land**
- (1) Building work in connection with a bridge that—
- (a) has a span of less than 6 metres; and
 - (b) does not span a road, a railway, or any other area with public access; and
 - (c) is not used by the general public; and
 - (d) has a safety barrier.

- (2) However, subclause (1) does not apply to a bridge from which it is possible to fall further than 3 metres even if it collapses.

48 Ground-mounted solar panel arrays exceeding 20, but not exceeding 40, square metres in size (outside rural zones)

Building work in connection with a ground-mounted solar panel array outside a rural zone if—

- (a) the array is supported by a frame or structure that is on the ground; and
- (b) the frame or structure is attached to the ground by more than a single post; and
- (c) the distance from the top of the array to the ground does not exceed 4 metres; and
- (d) the array exceeds 20 square metres in size, but does not exceed 40 square metres; and
- (e) the array is at least 5 metres from any residential building, public road, railway, or legal boundary; and
- (f) either—
 - (i) the design wind speeds do not exceed 44 metres per second (calculated using Verification Method B1/VM1); or
 - (ii) the array is located in a wind zone no greater than high (as defined in Acceptable Solution B1/AS1).

49 Single-storey pole sheds and hay barns

- (1) Building work in connection with a pole shed or hay barn in a rural zone if—
- (a) the building is not more than 1 storey (being a floor level of up to 1 metre above the supporting ground and a height of up to 4 metres above the floor level); and
 - (b) the building does not exceed 110 square metres in floor area; and
 - (c) the maximum unsupported roof span in any direction does not exceed 6 metres; and
 - (d) the building is not accessible by the public; and
 - (e) the building is not used to store hazardous substances within the meaning of that term in regulation 4 of the Health and Safety at Work (Hazardous Substances) Regulations 2017; and
 - (f) either—
 - (i) the design wind speeds do not exceed 44 metres per second (calculated using Verification Method B1/VM1); or
 - (ii) the building is located in a wind zone no greater than high (as defined in Acceptable Solution B1/AS1).

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

50 Removal of structures

The removal of any of the structures referred to in clauses 39 to 49, whether or not the design of the structure has been carried out or reviewed by a chartered professional engineer.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which commences on 31 August 2020, adds to the existing list of building consent exemptions in Schedule 1 of the Building Act 2004 (the **Act**). Schedule 1 contains the categories of building work for which a building consent is not required, and is divided into 3 Parts.

The first group of new exemptions is being added to Part 1, which relates to general exempted building work. The new exemptions relate to the following:

- single-storey detached buildings between 10 and 30 square metres in floor area, constructed of lightweight material (or where the work is carried out or supervised by a licensed building practitioner):
- single-storey pole sheds and hay barns:
- awnings, porches, and verandas between 20 and 30 square metres in size or floor area:
- carports between 20 and 40 square metres in floor area:
- flexible water storage bladders:
- permanent outdoor fireplaces and ovens:
- water pipe-supporting structures:
- ground-mounted solar panel arrays.

The second group of new exemptions is being added to Part 3, which relates to building work for which the design is carried out or reviewed by a chartered professional engineer. The new exemptions relate to the following:

- single-storey detached buildings between 10 and 30 square metres in floor area (where kitset or prefabricated):
- carports between 20 and 40 square metres in floor area:

- awnings, porches, and verandas between 20 and 30 square metres in size or floor area:
- short-span bridges on private land:
- ground-mounted solar panel arrays:
- single-storey pole sheds and hay barns.

An existing exemption in Schedule 1 relating to the removal of structures referred to in Part 3 has also been expanded to cover the removal of structures under the new exemptions in that Part.

The effect of the new exemptions is that a building consent will no longer be required for the types of building work described. However, the building work must still comply with the building code, as well as the other conditions set out in section 42A of the Act and as specified in the relevant clause for each exemption.

Regulatory impact statement

The Ministry of Business, Innovation and Employment produced a regulatory impact statement on 21 April 2020 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.mbie.govt.nz/dmsdocument/11512-impact-summary-building-consent-exemptions-possible-amendments-to-schedule-1-of-the-building-act-2004-proactiverelase-pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 30 July 2020.

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