



COVERSHEET

Minister	Hon Jenny Salesa	Portfolio	Building and Construction
Title of Cabinet paper	Building Act 2004: Proposed Amendments to Schedule 1 to Exempt Specified Building Work from Requiring a Building Consent'	Date to be published	23 June 2020

List of documents that have been proactively released

Date	Title	Author
6 May 2020	Proposal to amend Schedule 1 of the Building Act 2004 to exempt specified building work from requiring a building consent	Office of Hon Jenny Salesa
11 May 2020	Building Act 2004 Proposed Amendments to Schedule 1 to Exempt Specified Building Work from Requiring a Building Consent CAB-20-MIN-0215	Cabinet Office
21 April 2020	Building Act 2004 Proposed Amendments to Schedule 1 to Exempt Specified Building Work from Requiring a Building Consent - RIS 21 April 2020	MBIE

Information redacted

NO

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Cabinet

Minute of Decision

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Building Act 2004: Proposed Amendments to Schedule 1 to Exempt Specified Building Work from Requiring a Building Consent

Portfolio **Building and Construction**

On 11 May 2020, following reference from the Cabinet Economic Development Committee, Cabinet:

Background

- 1 **noted** that building consent exemptions under Schedule 1 of the Building Act 2004 (Schedule 1) recognise that not all building work needs to be subject to the requirements of the building consent process;
- 2 **noted** that building consent exemptions under Schedule 1:
 - 2.1 reduce the costs of compliance for building consent applicants for minor and low-risk building work;
 - 2.2 reduce time and costs for Building Consent Authorities (BCAs) for building work that is likely to comply with the Building Code, and enables them to focus on higher-risk work;
- 3 **noted** that there are currently 43 building consent exemptions under Schedule 1 of the Building Act 2004 (Schedule 1);

Schedule 1 exemption package

- 4 **noted** that as part of the government's Building System Legislative Reform Programme, a package of additional exemptions has been developed following targeted consultation with key building sector stakeholders, covering a variety of work carried out in both urban and rural areas;

Single-storey detached buildings

- 5 **noted** that the existing exemption in Schedule 1 for single-storey detached buildings is up to a maximum floor area of 10 square metres;

- 6 **agreed** to add a building consent exemption to Schedule 1 for building work in connection with single-storey detached buildings with a floor area not exceeding 30 square metres, and with the same conditions as clause 3 of Schedule 1, and:
- 6.1 an additional requirement that:
- 6.1.1 for kitset or prefab buildings, a manufacturer or supplier has had the design of the structure, connections, fixings and foundation carried out or reviewed by a Chartered Professional Engineer, and the work is carried out in accordance with that design; or
- 6.1.2 the design and construction is carried out or supervised by a Licenced Building Practitioner; or
- 6.1.3 only lightweight materials with structural components built in accordance to Building Code compliance B1/AS1 are used, and this work may be done by anyone; and
- 6.2 where the building is used for sleeping accommodation it must have smoke alarms;

Carports

- 7 **agreed** to add a building consent exemption to Schedule 1 for building work in connection with carports up to 40 square metres, with the same conditions as clause 18 of Schedule 1, and an additional requirement that the design of the structure, connections, fixings and foundation is carried out or reviewed by a Chartered Professional Engineer, and the work is carried out in accordance with that design;
- 8 **agreed** to include a further exemption with the same conditions as the exemption above but, instead of a requirement for a Chartered Professional Engineer, it includes a requirement for the design and construction to be carried out or supervised by a Licenced Building Practitioner;

Awnings

- 9 **agreed** to add a building consent exemption to Schedule 1 for building work in connection with awnings up to 30 square metres, with the same conditions as clause 16 of Schedule 1, with the following additional requirements:
- 9.1 the exemption only applies to awnings on the ground floor; and
- 9.2 the design of the structure, connections, fixings and foundation is carried out or reviewed by a Chartered Professional Engineer and the work is carried out in accordance with that design;
- 10 **agreed** to include a further exemption with the same conditions as the exemption above but, instead of a requirement for a Chartered Professional Engineer, it includes a requirement for the design and construction to be carried out or supervised by a Licenced Building Practitioner;

Verandas and porches

- 11 **agreed** to add a building consent exemption to Schedule 1 for building work in connection with verandas and porches up to 30 square metres, with the same conditions as clause 17 of Schedule 1, with the following additional requirements:
- 11.1 the exemption only applies to verandas and porches on the ground floor; and

- 11.2 the design of the structure, connections, fixings and foundation is carried out or reviewed by a Chartered Professional Engineer, and the work is carried out in accordance with that design;
- 12 **agreed** to include a further exemption with the same conditions as the exemption above but, instead of a requirement for a Chartered Professional Engineer, it includes a requirement for the design and construction to be carried out or supervised by a Licenced Building Practitioner;

Outdoor fireplaces or ovens

- 13 **agreed** to add a building consent exemption to Schedule 1 for building work in connection with permanent outdoor fireplaces or ovens that:
- 13.1 are located at least a metre from any legal boundary or building; and
 - 13.2 have a maximum height of 2.5 metres, and a maximum cooking surface of 1 square metre; and
 - 13.3 are supported on the ground and not covered by a roof or wall; and
 - 13.4 dispose of smoke in a way that does not create a nuisance or hazard to people or other property;

Flexible water storage bladders

- 14 **agreed** to add a building consent exemption to Schedule 1 for building work in connection with flexible water storage bladders that:
- 14.1 are supported directly by the ground; and
 - 14.2 are located a minimum of 100 metres from any legal boundary or residential building; and
 - 14.3 have a maximum height of 2 metres from the ground; and
 - 14.4 do not exceed 200,000 litres in capacity; and
 - 14.5 are used only for irrigation or firefighting purposes;

Short-span bridges on private land without public access

- 15 **agreed** to add a building consent exemption to Schedule 1 for building work in connection with short-span bridges where:
- 15.1 the design of the structure, connections, fixings and foundation is carried out or reviewed by a Chartered Professional Engineer and that the work is carried out in accordance with that design; and
 - 15.2 it is not possible to fall more than 3 metres; and
 - 15.3 it has a span less than 6 metres; and
 - 15.4 it does not span a road, rail or area with public access; and
 - 15.5 it is not used by the general public; and
 - 15.6 it has a Building Code compliant barrier;

Pipe supporting structures

- 16 **agreed** to add a building consent exemption to Schedule 1 for building work in connection with pipe supporting structures that:
- 16.1 are constructed on private land without public access; and
 - 16.2 are located a minimum of 5 metres from any residential building, public road, rail or legal boundary; and
 - 16.3 are supported on the ground; and
 - 16.4 are supporting a single pipe with a maximum 300 millimetre diameter; and
 - 16.5 have a distance from the ground to the top point of no more than 1 metre; and
 - 16.6 supports a pipe that transports only water;

Ground-mounted solar array panels

- 17 **agreed** to add a building consent exemption to Schedule 1 for building work in connection with ground-mounted solar array panels in rural zones (as defined in clause 41 of Schedule 1) where:
- 17.1 design wind speeds do not exceed 44 metres per second (calculated using Building Code Verification Method B1/VM1), or where the panels are located in a wind zone no greater than 'high' (as defined in Building Code Acceptable Solution B1/AS1); and
 - 17.2 the panels are supported on the ground, and are attached by more than a single post to the ground; and
 - 17.3 the distance from the top of the panels to the ground does not exceed 4 metres; and
 - 17.4 the panels are located a minimum of 5 metres from any residential building, public road, rail or legal boundary;
- 18 **agreed** to add a building consent exemption to Schedule 1 for building work in connection with ground-mounted solar array panels outside rural zones with the same conditions as paragraph 17 above and the following additional requirements:
- 18.1 work on panels up to 20 square metres in size can be undertaken by anyone;
 - 18.2 work on panels up to 40 square metres requires the design of the structure, connections, fixings and foundation is carried out or reviewed by a Chartered Professional Engineer, and the work is carried out in accordance with that design;

Single-storey pole sheds and hay barns

- 19 **agreed** to add a building consent exemption to Schedule 1 for building work in connection with single-storey pole sheds and hay barns in rural zones (as defined in clause 41 of Schedule 1) where:
- 19.1 the design of the structure, connections, fixings and foundation is carried out or reviewed by a Chartered Professional Engineer and that the work is carried out in accordance with that design; and

- 19.2 design wind speeds do not exceed 44 metres per second (calculated using Building Code Verification Method B1/VM1), or where the panels are located in a wind zone no greater than 'high' (as defined in Building Code Acceptable Solution B1/AS1); and
 - 19.3 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
 - 19.4 the maximum unsupported roof span in any direction does not exceed 6 metres; and
 - 19.5 the building does not exceed 110 square metres in floor area; and
 - 19.6 the building has a minimum distance from any residential building, public road, rail or legal boundary at least equal to the measure of its own height; and
 - 19.7 the building is not subject to the Hazardous Substances and New Organisms Act 1996; and
 - 19.8 the building is not accessible by the public;
- 20 **agreed** to include a further exemption with the same conditions as the exemption above but, instead of a requirement for a Chartered Professional Engineer, it includes a requirement for the design and construction to be carried out or supervised by a Licenced Building Practitioner;

Legislative implications and general

- 21 **noted** that the amendments to Schedule 1 referred to above can be given effect through an Order in Council under section 41 of the Building Act 2004;
- 22 **invited** the Minister for Building and Construction to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above proposals;
- 23 **noted** that the Ministry of Business, Innovation and Employment plans to update the guidance for building consent exemptions.

Michael Webster
Secretary of the Cabinet