



# WAIROA DISTRICT COUNCIL

☎ +64 6 838 7309  
☎ +64 6 838 8874  
✉ consents@wairoadc.govt.nz

🌐 www.wairoadc.govt.nz  
📦 PO Box 54, Wairoa 4160, Hawke's Bay  
🏠 Coronation Square, Queen Street, Wairoa

## INFORMATION SHEET 4

### EXEMPT BUILDING WORK

**If considering completing any building work that may not require a building consent, please take notice of the following information.**

The Building Act (section 41) exempts certain building work from the requirement to obtain a building consent. This includes the exemptions listed in Schedule 1 of the Building Act 2004. For current information on all exempt building work see

🌐 [www.building.govt.nz/assets/Uploads/projects-and-consents/building-work-consent-not-required-guidance.pdf](http://www.building.govt.nz/assets/Uploads/projects-and-consents/building-work-consent-not-required-guidance.pdf)

Exemptions under Schedule 1 recognise that minor and low-risk building work should not be subject to the requirements of the building consent process. That is because such low-risk work presents little danger to people or property, and the compliance costs associated with consenting such work are not outweighed by the benefits obtained from the consent process.

Undertaking building work that is not exempt without a building consent is an offence under section 40 of the Building Act. A person who commits such an offence may be liable to a fine not exceeding \$100,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part day during which the offence continues.

#### **Important note:**

Even if building work does not require a building consent, it is still a requirement of the Building Act that all building work must comply with the Building Code (refer to section 17 of the Building Act) and with other relevant legislation, including the:

- Plumbers, Gasfitters, and Drainlayers Act 2006
- Electricity Act 1992
- Resource Management Act 1991
- Fire Service Act 1975
- District Plan

For this reason, skilled building practitioners will often need to be engaged to carry out the work.

#### **Responsibilities:**

##### **Building owners are ultimately responsible for:**

- determining whether proposed building work is exempt from requiring a building consent and
- ensuring exempt building work complies with the Building Code.

##### **Building practitioners are also responsible for:**

- ensuring their work complies with the Building Code even when that work is exempt.

#### **Is the work Exempt?**

Where the owner is unable to determine conclusively for themselves that the building work they wish to undertake is exempt, should seek advice from an appropriate person or organisation e.g. registered architect, chartered professional engineer, licensed building practitioner, certifying plumber or drainlayer.

#### **Confirmation of Exemption / Application for Exemption**

If you decide you want to do some work without a building consent you want to have this decision.

If you decide the work is exempt and you would like this information about the work recorded on the Council's property file, we will place the exemption on your property file.

This will allow a copy of the exemption and plans to be placed on your Council Property File for reference in the future, e.g. if the property should be sold and a Land Information Memorandum (LIM) requested, the information will show on the LIM.

For any information placed on the property file as a result of this application the following applies:

- Council does not examine the information provided to ensure it discloses any omissions or deficiencies.
- Council does not check the validity of the information contained in this report and takes no liability for its content.

Whilst the majority of the exempt items in Schedule 1 are decided by the owner – there is an overarching exemption (Schedule 2) which is determinable by the Council where we think it is reasonable to do so on the following basis:

- The completed building work is likely to comply with the Building Code, or
- If carried out, other than in accordance with the Building Code, is unlikely to endanger people or any building whether on the same land or any other property.

*Note: No building work is to be considered exempt from the requirements of a building consent unless so stated in writing by the Wairoa District Council. Application for Exemption of Building Work forms are available on our website [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz), or by visiting our Council's Office, Queen St Wairoa. There is an exempt building consent application fee to cover the administration costs of this service and this is to be paid prior to acceptance. Fee as per current Schedule. .*