



TO CONSENT OR NOT TO CONSENT...

When is a building consent required for building or renovation work? This article provides some guidance.

By Trevor Pringle, ANZIA, BRANZ Principal Writer

All building work must comply with the New Zealand Building Code, whether it needs a consent or not. New construction, such as additions or major remodelling, is likely to require a consent because of the extent of the work involved.

When is a consent not required?

Exempt building work is defined in Schedule 1 of the Building Act 2004. The full text is available at www.legislation.govt.nz.

When carrying out repair and renovation work, the following activities are exempt from requiring a building consent:

- Repair and maintenance using comparable materials, components or details in the same position provided that:
 - » there has been no failure due to lack of durability or weathertightness performance within the specified minimum durability period required by the Building Code
 - » the replacement does not relate to elements installed to meet structural or fire safety requirements.
- Repair or replacement of any open vented water storage heater with a comparable unit using the same pipework.
- Minor alteration to drains, for example, shifting a gully trap.
- Minor alteration to existing sanitary plumbing (for example, replacing a bath with a shower or moving a toilet).
- Installation, replacement or removal of a window (including a roof window) or an exterior doorway, provided structural stability is unchanged and the replacement is not to address a weathertightness or durability failure within the specified minimum durability period required by the Building Code.
- Alteration to an entrance or an internal doorway of a dwelling to improve access for persons with disabilities, provided the

structural stability is not reduced.

Consent is also not required for construction, alteration or removal of:

- an internal wall (including the construction, alteration or removal of an internal doorway) provided structural stability is not reduced and the wall is not masonry
- a pergola
- any fabric, glass or metal awning on any building that is on the ground or first storey level and does not exceed 15 m² in size
- a porch or veranda on any building where the porch or veranda is on the ground or first

BRANZ considers it prudent to obtain a building consent when alterations to layout and plumbing are being done.

storey level and is over a deck or a patio and does not exceed 15 m² in size

- a deck from which it is not possible for a person to fall more than 1 m even if the deck collapses
- any retaining wall that retains not more than 1.5 m depth of ground and that does not support any additional load other than the supported ground
- any fence (except a fence as defined in section 2 of the Fencing of Swimming Pools Act 1987) with a height of not more than 2 m above the supporting ground.

In addition, consent is not required for closing in an existing veranda or patio, to provide an enclosed porch, or for construction of a conservatory with a floor area not exceeding 5 m².

All plumbing, drainage and gasfitting work whether consented or not, must be carried out in accordance with the Plumbers, Gasfitters and Drainlayers Act 1976.

Examples of consent-exempt work

If work is simply maintenance, such as repainting or replacing a damaged element such as a rotted weatherboard or window, a building consent is not required.

For repair work such as reroofing or recladding where the original cladding has met the durability requirements of the Building Code but ceased to be a serviceable cladding, as long as the same cladding is being reinstalled, a building consent is not required. If, however, the recladding is being carried out because of a failure to meet Building Code performance such as weathertightness or durability, a building consent is required for the work.

When recladding a building, the reclad wall must have a thermal performance no less than that existing before the recladding was undertaken. However, when replacing the cladding, it is likely that the wall underlay will also need to be replaced, and this is a good opportunity (if the wall is not insulated or insulated to lower levels than currently required) to improve the performance of the building.

Prudent to get a building consent anyway

While a building consent may not be required, BRANZ considers it prudent to obtain one when alterations to layout and plumbing are being done. The reasons for this are that plans for the work need to be drawn up so that the work will be planned, there is a paper trail on the legality of the work through the consent process and the work will be inspected by the Building Consent Authority and, if correctly done, a Code Compliance Certificate will be issued on completion.

The drawback is that there is a time and a cost component, but this may pale into insignificance if a sale falls through as a result of the work carried out on the house not being deemed legal or adequate. ♦