



Building (Schedule 1) Order 2008

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 15th day of September 2008

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 41(2) of the Building Act 2004, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

- Title**
This order is the Building (Schedule 1) Order 2008.
- Commencement**
This order comes into force 28 days after the date of its notification in the *Gazette*.

3 Schedule 1 of Building Act 2004 amended

- (1) Schedule 1 of the Building Act 2004 is amended by inserting the following paragraphs after paragraph (ab):
- “(ac) the alteration to drains for a dwelling, if the alteration—
 - “(i) is of a minor nature (for example, shifting a gully trap); and
 - “(ii) does not include making any new connection to a service provided by a network utility operator; and
 - “(iii) is carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 1976:
 - “(ad) the alteration to existing sanitary plumbing (as defined in section 3 of the Plumbers, Gasfitters, and Drainlayers Act 1976) in a dwelling (for example, replacing a bath with a shower or moving a toilet) carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 1976:
 - “(ae) the installation, replacement, or removal in any existing building of a window (including a roof window) or an exterior doorway if—
 - “(i) compliance with the provisions of the building code relating to structural stability is not reduced; and
 - “(ii) in the case of replacement, the window or doorway being replaced satisfied the provisions of the building code for durability:
 - “(af) the alteration to an entrance or an internal doorway of a dwelling to improve access for persons with disabilities, if compliance with the provisions of the building code relating to structural stability is not reduced:
 - “(ag) the alteration to the interior of any non-residential building (for example, a shop, office, library, factory, warehouse, church, or school), if the alteration does not—
 - “(i) reduce compliance with the provisions of the building code that relate to means of escape from fire, protection of other property, sanitary facilities, structural stability, fire-rating performance, and access and facilities for persons with disabilities; or

- “(ii) modify or affect any specified system.”
- (2) Paragraph (b) of Schedule 1 is amended by inserting “or alteration” after “construction”.
- (3) Paragraph (c) of Schedule 1 is amended by inserting “or alteration” after “construction”.
- (4) Schedule 1 is amended by inserting the following paragraph after paragraph (c):
- “(ca) the construction, alteration, or removal of an internal wall (including the construction, alteration, or removal of an internal doorway) in any existing building if—
- “(i) compliance with the provisions of the building code relating to structural stability is not reduced; and
- “(ii) the means of escape from fire provided within the building are not detrimentally affected; and
- “(iii) the wall is not made of units of material (such as brick, burnt clay, concrete, or stone) laid to a bond in and joined together with mortar.”
- (5) Paragraph (d) of Schedule 1 is amended by omitting “the construction of any wall (except a retaining wall)” and substituting “the construction or alteration of any wall (except a retaining wall or an internal wall)”.
- (6) Paragraph (da) of Schedule 1 is amended by inserting “or alteration” after “construction”.
- (7) Paragraph (e) of Schedule 1 is amended by inserting “or alteration” after “construction”.
- (8) Schedule 1 is amended by repealing paragraph (f) and substituting the following paragraphs:
- “(f) the construction, alteration, or removal of any tent or marquee that has a floor area not exceeding 50 square metres if that tent or marquee is to be, or has been, used for public assembly for a period of not more than 1 month:
- “(fa) the construction, alteration, or removal of any tent or marquee that has a floor area not exceeding 100 square metres if that tent or marquee is, or has been, for private use for a period of not more than 1 month.”

- (9) Paragraph (g) of Schedule 1 is amended by inserting “or alteration” after “construction”.
- (10) Paragraph (h) of Schedule 1 is amended by inserting “or alteration” after “construction”.
- (11) Paragraph (i) of Schedule 1 is amended by repealing subparagraph (iv) and substituting the following subparagraph:
“(iv) does not exceed 1 storey, does not exceed 10 square metres in floor area, and does not contain sanitary facilities or facilities for the storage of potable water, but may contain sleeping accommodation (without cooking facilities) if the detached building is used in connection with a dwelling:”.
- (12) Schedule 1 is amended by inserting the following paragraphs after paragraph (j):
“(ja) the construction, alteration, or removal of any fabric, glass, or metal awning on any building that—
“(i) is on the ground or first storey level; and
“(ii) does not exceed 15 square metres in size:
“(jb) the construction, alteration, or removal of a pergola:
“(jc) the construction, alteration, or removal of a porch or verandah on any building where that porch or verandah—
“(i) is on the ground or first storey level; and
“(ii) is over a deck or a patio; and
“(iii) does not exceed 15 square metres in size:”.

Rebecca Kitteridge,
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 comes into force on the 28th day after the date of its notification in the *Gazette*, amends Schedule 1 of the Building Act

2004 to add further building work and classes of building work for which a building consent is not required.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 18 September 2008.
This order is administered by the Department of Building and Housing.
