



Department of
Building and Housing
Te Tari Kaupapa Whare

A guide to plumbing, drainlaying, and gasfitting that does not require a building consent

Building Act 2004

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Introduction

PURPOSE

This document provides information about plumbing and drainlaying (building work) that does not require a building consent under the Building Act 2004 (the Building Act). For further information on all exempt building work see www.dbh.govt.nz/bc-no-consent

This document has been written to assist certifying plumbers and certifying drainlayers to understand and be able to identify exempt building work.

This information will also be of interest to building owners who are responsible for determining if proposed work is exempt and ensuring all work complies with the Building Code. In addition, this document can be used to assist building consent authorities and territorial authorities who provide advice about consent and exemption requirements or consider discretionary exemptions under paragraph (k) of Schedule 1 to the Building Act.

BACKGROUND

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 which was extended in December 2010.

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 very 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 (which includes plumbing and drainlaying) 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 has continued.

Energy work (gasfitting) which is already covered by section 43 of the Building Act only requires a building consent when work relates to a specified system.

Further information about gasfitting can be found at www.dbh.govt.nz/codewords-36-8

Important note

Even if building work does not require a building consent, it must still comply with the Building Code (see section 17 of the Building Act 2004). Most plumbing, drainage and gasfitting must be carried out or supervised by a certifying plumber, certifying drainlayer, or certifying gasfitter (see the provisions of the the Plumbers, Gasfitters, and Drainlayers Act 2006 for details).

Seeking advice on exempt building work

Plumbers and drainlayers are responsible for ensuring their work complies with the Building Code even when that work is exempt.

It is important to get good advice before deciding that building work is covered by the exemptions set out in the Building Act.

Where the plumber, drainlayer, or owner is unable to determine conclusively for themselves that the building work they wish to undertake is exempt, they should seek advice from an appropriate person or organisation, such as a:

- building consent authority¹ (who have a wide range of building control expertise and information about exemptions and the building consent process)
- registered architect
- registered building surveyor
- building consultant
- certifying plumber, certifying gasfitter, or certifying drainlayer
- or, some other person with appropriate knowledge and expertise in the building industry.

Important note

All building work, regardless of whether a building consent is required, **must** comply with the New Zealand Building Code and other relevant legislation. Plumbing, drainlaying and gasfitting must be carried out or supervised by a suitably licensed person under the Plumbers Gasfitters and Drainlayers Act 2006.

An exemption does not, of itself, permit building work if that building work would be in breach of any other Act, for example Plumbers Gasfitters and Drainlayers Act 2006.

Any work on a building that is required to be licensed under the Hazardous Substances and New Organisms Act 1996 is not exempt from the requirement for a building consent.

¹ Usually your local council's building control department.

Section 41 of the Building Act: Building consent not required in certain cases

Section 41 of the Building Act, reproduced below, describes when a building consent is not required, including any building work described in Schedule 1.

Building consent not required in certain cases

- (1) *Despite section 40, a building consent is not required in relation to—*
 - (a) *a Crown building or Crown building work to which, under section 6, this Act does not apply; or*
 - (b) *any building work described in Schedule 1; or*
 - (c) *any building work in respect of which a building consent cannot practicably be obtained in advance because the building work has to be carried out urgently—*
 - (i) *for the purpose of saving or protecting life or health or preventing serious damage to property; or*
 - (ii) *in order to ensure that a specified system in a building that is covered by a compliance schedule, or would be covered if a compliance schedule were issued in respect of the building, is maintained in a safe condition or is made safe; or*
 - (d) *any energy work that, under section 43, does not require a building consent; or*
 - (e) *any building work that a territorial authority is authorised to carry out under this Act.*
- (2) *The Governor-General may, by Order in Council, add any building work or class of building works to Schedule 1 as being building work for which a building consent is not required.*

While section 41 of the Building Act provides exemptions for building work other than work listed in Schedule 1, this guidance document focuses on Schedule 1 exemptions.

Important note

Where a building consent was required but not obtained because the building work had to be carried out urgently to save or protect life or health or preventing serious property damage (section 41(1)(c)), the owner must apply to the territorial authority for a certificate of acceptance under section 96 of the Building Act as soon as practicable after completion of the work. Not doing so is an offence under section 42 of the Building Act. Such offences may be liable to a fine not exceeding \$5,000.

Schedule 1 – Exempt building work

This document lists the exemptions in Schedule 1 relating to plumbing and drainlaying and provides guidance and examples to assist with deciding whether proposed building work qualifies as exempt.

The primary purpose of Schedule 1 is to exempt work that is minor and low-risk in nature and the benefits of requiring a building consent do not exceed associated compliance costs. Work exempt under Schedule 1 is generally building work that will not significantly affect public safety or the structural integrity or fire-safety components of the building.

Practitioners need to carefully consider the proposed building work and understand how it may impact on other parts of the building elements. For example, sanitary plumbing could adversely affect the *structural stability* of structural elements such as floor joists or wall framing and therefore may require a building consent.

Some key terms (italicised throughout this document) are also defined in the 'Glossary of Terms' section at the end of this document.

Important note

Under the Plumbers Gasfitters and Drainlayers Act 2006 practitioners can be held accountable for these decisions.

REPAIRS, MAINTENANCE AND REPLACEMENT GUIDANCE

Exemption (a) of Schedule 1

A building consent is not required for the following building work:

- (a) any lawful repair and maintenance using comparable materials, or replacement with a comparable component or assembly in the same position, of any component or assembly incorporated or associated with a building, including all lawful repair and maintenance of that nature that is carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 2006, except —
 - (i) complete or substantial replacement of a specified system; or
 - (ii) complete or substantial replacement of any component or assembly contributing to the building's structural, behaviour or fire-safety properties; or
 - (iii) repair or replacement (other than maintenance) of any component or assembly that has failed to satisfy the provisions of the building code for durability, for example, through a failure to comply with the external moisture requirements of the building code; or
 - (iv) repair or replacement of a water storage heater connected to a solid-fuel heater or other supplementary heat exchanger (other than —
 - (A) repair of an open-vented water storage heater using the same pipework; or
 - (B) replacement of an open-vented water storage heater with a comparable heater using the same pipework).

GUIDANCE

This exemption enables plumbers and drainlayers to repair and maintain buildings without having to get a building consent provided they use *comparable materials*, components or assemblies in the same position.

Exemption (a) Schedule 1

EXAMPLES WHERE THIS EXEMPTION COULD APPLY providing work is undertaken by an appropriately licensed person under Plumbers Gasfitters and Drainlayers Act 2006	EXAMPLES WHERE A BUILDING CONSENT IS REQUIRED
<p>1. Open vented water storage heater</p> <ul style="list-style-type: none"> Replacing an open-vented hot <i>water storage heater</i> with an open-vented hot <i>water storage heater</i> (electric to electric, gas to gas, and electric to gas, gas to electric). <p>2. Valve-vented low pressure water storage heater</p> <ul style="list-style-type: none"> Replacing a low pressure valve-vented hot <i>water storage heater</i> with a low pressure valve-vented hot <i>water storage heater</i> (electric to electric, gas to gas, and electric to gas, gas to electric). <p>3. Valve-vented mains pressure water storage heater</p> <ul style="list-style-type: none"> Replacing mains pressure valve-vented hot <i>water storage heater</i> with a mains pressure valve-vented hot <i>water storage heater</i> (electric to electric, gas to gas, and electric to gas, gas to electric). <p>4. Open vented hot water storage heater with wetbacks</p> <ul style="list-style-type: none"> Repair of an open vented hot <i>water storage heater</i>. Replacement of an open-vented hot <i>water storage heater</i> with another open-vented hot <i>water storage heater</i> in the same position, using the same pipework. <p>5. Heat pump water heaters</p> <ul style="list-style-type: none"> Adding a split heat pump water heater to an existing hot <i>water storage heater</i>. Replacing an external hot <i>water storage heater</i> with a heat pump hot <i>water storage heater</i>. That is replacing: <ul style="list-style-type: none"> a. open-vented with open-vented b. valve-vented low pressure with valve-vented low pressure c. valve-vented mains pressure with valve-vented mains pressure <p>6. Sanitary fixtures</p> <ul style="list-style-type: none"> Replacing an existing sanitary fixture with another comparable fixture in the same position (eg replacing a basin with a vanity, replacing a WC and cistern with a close-coupled WC suite). <p>7. Effluent disposal system</p> <ul style="list-style-type: none"> Repairing a septic tank effluent disposal system where the repair work is carried out by a certifying drainlayer. <p>8. Flues</p> <ul style="list-style-type: none"> Repairing or replacing a damaged stainless steel flue for an existing solid fuel heater (eg, wood burner) in the same position. 	<ul style="list-style-type: none"> Replacing an open-vented hot <i>water storage heater</i> with a valve-vented hot <i>water storage heater</i> as the components are not comparable. Repositioning a solid fuel heater (eg, wood burner) by shifting it from one end of a living room to the other. Adding a solid fuel water heater to an existing hot <i>water storage heater</i>. Adding a solar water heater system to an existing hot <i>water storage heater</i>. Adding a new hot water heating systems where there was not one before.



DRAINAGE AND PLUMBING

DRAINAGE SYSTEMS

Exemption (ab) of Schedule 1

A building consent is not required for the following building work:

- (ab) the opening and reinstatement of any purpose-made access point within a drainage system that —
 - (i) is not a *NUO system* or part of a *NUO system*;
 - (ii) is carried out in accordance with the Plumbers, Gasfitters, and Drainlayers Act 2006.

GUIDANCE

This exemption allows an appropriately licensed person under the Plumbers Gasfitters and Drainlayers Act 2006 to access a drain² using a purpose made access point.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY

providing work is undertaken by an appropriately licensed person under Plumbers Gasfitters and Drainlayers Act 2006

- A drain is blocked by a back-up of waste material within the drainage system. The blockage was caused by a child flushing a hand towel down the toilet. The problem is solved by opening a purpose made access point, removing the towel, clearing the blockage and reinstating the access point.

ALTERATIONS TO DRAINS

Exemption (ac) of Schedule 1

A building consent is not required for the following building work:

- (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 2006.

GUIDANCE

This exemption applies when an appropriately licensed person under the Plumbers Gasfitters and Drainlayers Act 2006 carries out or supervises minor alterations to a private drain serving a dwelling (residential house).

² As defined in the Plumbers, Gasfitters, and Drainlayers Act 2006

Exemption (ac) Schedule 1

EXAMPLES WHERE THIS EXEMPTION COULD APPLY providing work is undertaken by an appropriately licensed person under Plumbers Gasfitters and Drainlayers Act 2006	EXAMPLES WHERE A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none"> ● A kitchen sink is moved to an adjacent wall (see exemption (ad)). The existing gully trap servicing the kitchen needs to be shifted a short distance to receive the discharge from the repositioned sink wastepipe. ● A toilet pan has been repositioned in an existing bathroom (see exemption ad) and it is reconnected into the existing drain at a different point. ● Installing a new access or <i>rodding point</i> for unblocking drains. ● Connecting a new gully trap on an existing drain to receive discharge from a redirected waste pipe. ● Sealing off a branch drain following the removal of sanitary fixtures from a dwelling including outbuildings ● Extending, for a short distance, the drain from a dwelling to connect to a new council sewer lateral installed at the boundary by the <i>NUO</i> due to the original lateral being damaged (eg, by tree roots) provided no new connections to a <i>NUO</i> system are made. ● A short extension to a stormwater drain to collect water from a new downpipe. 	<ul style="list-style-type: none"> ● A branch drain will be extended so that it exceeds 10 metres in length, triggering the requirement for venting. The venting requirement means that this is not a <u>minor</u> alteration, so a building consent is required. ● An existing laundry is reconfigured in a garage and the laundry tub is moved to an opposite wall. As a consequence, the main drain will need to be extended by several metres around the perimeter of the garage. This is not minor work and a building consent is required. ● Installation of a new on-site grey-water disposal system. ● Shifting the position of a private drain connection to a public (<i>NUO</i>) drain running through an easement on the same property. ● A drain is damaged by tree roots. Even though the roots could be removed through an access point, a section of the drain needs to be replaced. Replacement in the same position is not possible because of the tree, so a building consent is required to lay a long, new and repositioned section of drain to keep clear of the tree.

ALTERATIONS TO SANITARY PLUMBING

Exemption (ad) of Schedule 1

A building consent is not required for the following building work:

- (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 2006 and that is not repair or replacement to which paragraph (a)(iv) (other than subparagraph (A) or (B)) applies.

GUIDANCE

This exemption applies only when a certifying plumber carries out or supervises alterations to sanitary plumbing such as in existing bathrooms, kitchens, laundries and toilets, without increasing the number of sanitary fixtures within the dwelling. For the purpose of this exemption section 3 of the Plumbers, Gasfitters, and Drainlayers Act 1976 defines sanitary plumbing.



Exemption (ad) Schedule 1

EXAMPLES WHERE THIS EXEMPTION COULD APPLY providing work is undertaken by an appropriately licensed person under Plumbers Gasfitters and Drainlayers Act 2006	EXAMPLES WHERE A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none"> • Repositioning existing sanitary fixtures (bath, basin, shower and toilet) within an existing bathroom. • Moving a toilet pan from a WC compartment into an adjacent existing bathroom. • An existing kitchen is being remodelled within the same space and the kitchen sink is to be moved to an adjacent wall. • An existing laundry washtub is to be moved to a new space within the adjacent existing kitchen area. • Relocate, remove, or shift an existing hose tap. • Removing an existing shower that is over a bath and replacing it with a proprietary shower enclosure as these two fixtures are considered existing. • Removal of an existing shower and replacement with a proprietary shower enclosure. • Removing an existing, internal or external gas or electric hot <i>water storage heater</i> and installing an internal or external gas instantaneous water heater (with no storage capacity). A consent is not required as the term <i>alteration</i> covers the extension of water pipes necessary to connect the new instantaneous gas water heater as well as the work of sealing redundant pipework following removal of the old storage heater. The gas and electrical work involved in connecting up the instantaneous gas water heater is also exempt under section 43 of the Building Act. 	<ul style="list-style-type: none"> • Installing a tiled <i>wet area shower</i> requires a building consent. This is because the construction of the wet area shower includes critical building work, such as waterproof membranes. This building work is not sanitary plumbing. • Where sanitary plumbing work could adversely affect the structural stability of structural elements such as floor joists or wall framing. • An ensuite is proposed and this includes the addition of a shower, hand basin and toilet. These sanitary fixtures are additional to those that already exist in the dwelling, so a building consent is required. • Replacing a low pressure, open-vented hot <i>water storage heater</i> with a mains pressure, valve-vented hot <i>water storage heater</i>. A consent is required because the risk profile of the replacement is so different that it falls outside the scope of an 'alteration to existing' as envisaged by the Building Act • Adding a sanitary fixture where there was not one before to an existing dwelling. This increases the number of sanitary fixtures.



Important note

Any plumbing work under this exemption must be carried out (or supervised) by a certifying plumber; otherwise it is not exempt work.

Where sanitary plumbing work could adversely affect the *structural stability* of structural elements such as floor joists or wall framing, this work may require a building consent. If in doubt, we recommend seeking professional advice first (eg, licensed building practitioner, chartered professional engineer, registered architect, building consultant, registered building surveyor or accredited building consent authority).

PENETRATIONS WITH A MAXIMUM DIAMETER OF 30 CENTIMETRES

Exemption (jh) of Schedule 1

A building consent is not required for the following building work:

- (jh) the making of a penetration no greater than 30 centimetres in diameter to enable the passage of pipes, cables, ducts, wires, hoses, and the like through any existing building and any associated building work, such as weatherproofing, fireproofing, or sealing the penetration.

GUIDANCE

This exemption is to enable penetrations of a limited size (maximum diameter of 30 cm) to be made through both internal and external building elements and any associated building work, such as weatherproofing, fireproofing, or sealing the penetration without a building consent. These penetrations are typically necessary for the installation of heatpumps, home ventilation systems and a wide range of other building services where wiring, pipes and the like must pass through building elements.

Note. Where ventilation or air conditioning systems are specified systems that require a compliance schedule, a building consent will be required.

EXAMPLES WHERE THIS EXEMPTION COULD APPLY providing work is undertaken by an appropriately licensed person under Plumbers Gasfitters and Drainlayers Act 2006	EXAMPLES WHERE THE WORK IS NOT EXEMPT AND A BUILDING CONSENT IS REQUIRED
<ul style="list-style-type: none"> • Installation of a heat pump where the diameter of penetrations for wiring and pipework associated with the installation is less than 30 cm. • Installation of an extract fan above a cooking stove, which is vented through the roof with a flue less than 30 cm in diameter. • An extractor fan in a bathroom is vented through the external wall via a duct and the opening in the wall is less than 30 cm in diameter. • Cutting and sealing a hole in a metal long-run roof to fit a plumbing vent pipe less than 30 cm in size. 	<ul style="list-style-type: none"> • Installation of an air conditioning unit that is part of a specified system to an existing office using ducts 30 cm diameter in size. • An extractor fan in a commercial kitchen is vented through the external wall via a duct and the opening in the wall is over 30 cm in diameter. • The cutting of a hole into the roof of a commercial building to provide for a pipe over 30 cm in diameter as part of the installation of a solar water heater. • Installation of an extractor fan above a cooking stove in a commercial kitchen, which is vented through the roof with a 40 cm diameter flue.



TERRITORIAL AUTHORITY DISCRETIONARY EXEMPTIONS

Exemption (k) of Schedule 1

A building consent is not required for the following building work:

- (k) any other building work in respect of which the territorial authority (or, as the case requires, the regional authority) considers that a building consent is not necessary for the purposes of this Act because that building work —
 - (i) is unlikely to be carried out otherwise than in accordance with the building code; or
 - (ii) if carried out otherwise than in accordance with the building code, is unlikely to endanger people or any building, whether on the same land or on other property.

GUIDANCE

This exemption allows a territorial authority (city or district council) or regional authority (regional council) to exempt proposed building work from the requirement to obtain a building consent in the circumstances specified. The decision to allow any exemption under this part of Schedule 1 is totally at the council's discretion, based on the council's own assessment of the risk of building work not being carried out in accordance with the Building Code or of endangering people or property.

Important note

Territorial authorities (city and district councils) are able to seek payment for the provision of advice and information on exempt building work.

Glossary of Terms

Alteration: In relation to a building, includes to rebuild, re-erect, repair, enlarge and extend the building. (Refer to section 7 of the Building Act 2004.)

Assembly: A complete unit consisting of assembled components.

Comparable materials: Materials with similar properties having in-situ performance in terms of the Building Code that is not less than that of the existing materials.

Component: A part of an assembly.

Lawful repair: Repairs that comply with the Building Code and other legislation (eg, Resource Management Act).

Maintenance: Lawful repair using comparable materials in the same position to replace something that wore out through normal wear and tear.

Network Utility Operator or NUO: Network utility operator (NUO) means a person who —

- (a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or
- (b) operates or proposes to operate a network for the purpose of —
 - (i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or
 - (ii) radiocommunications as defined in section 2(1) of the Radiocommunications Act 1989; or
- (c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
- (d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- (e) undertakes or proposes to undertake a drainage or sewerage system.

(Refer to section 7 of the Building Act 2004.)

Open-vented water storage heater: A water heater incorporating a vent pipe which is permanently open to the atmosphere.

Outbuilding: A building classified as an outbuilding under clause A1 of the Building Code such as a carport, garage, shed, public toilet or farm building.

Rodding point: A removable cap at ground level through which access may be made for cleaning and inspecting the drainage system.

Solid-fuel heater: Solid fuel-burning appliance such as a wood burner.

Structural stability: The ability to withstand the combination of loads that a building can experience.

Supplementary heat exchanger: A device built for efficient heat transfer from one medium to another.

Water storage heater (storage water heater): A water tank with an integral water heater for the storage of hot water.

Wet area shower: The floor of a wet area or level-entry shower is a continuation of the floor of the bathroom, rather than a separate raised shower tray or cubicle.

Further information

For further information and advice on exempt building work including whether a specific building project is exempt or not, refer to the following:

Websites that provide further information

- www.dbh.govt.nz
- www.consumerbuild.org.nz
- your local council's website

Other professional advice could be sought from:

- a registered architect
- a chartered professional engineer
- a licensed building practitioner (relevant license class)
- a registered building surveyor
- a building consultant
- certifying plumber, certifying gasfitter, or certifying drainlayer
- a building consent authority within you local (district or city) council.

This document's status

This document provides information about plumbing, and drainlaying (building work) that does not require a building consent under the Building Act and should be read in association with the Act. While the Department has taken every care in preparing this document, it should not be solely relied upon for establishing whether any given building work requires a building consent or whether the exemptions in Schedule 1 apply. In each specific situation it may be necessary to seek independent technical and /or legal advice.

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