



## **Building (Definition of Restricted Building Work) Order 2011**

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 12th day of September 2011

Present:

His Excellency the Governor-General in Council

Pursuant to sections 7 and 402(1)(n) of the Building Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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**Order**

**1 Title**

This order is the Building (Definition of Restricted Building Work) Order 2011.

**2 Commencement**

This order comes into force on 1 March 2012.

*Matters of interpretation and application*

**3 Interpretation**

(1) In this order, unless the context otherwise requires,—

**Act** means the Building Act 2004

**bricklaying or blocklaying work** means the laying of bricks or blocks or erection of brickwork or blockwork

**building element**, in relation to a building, means any component or assembly (whether structural or non-structural) that is, or is to be, incorporated into or associated with it

**external moisture-management system**, in relation to a building,—

- (a) means a system (whether comprising only one or 2 or more building elements) that is intended to provide—
  - (i) resistance to the penetration of the building by moisture from outside it; or
  - (ii) resistance to the accumulation within the building's fabric of moisture that has penetrated it from outside the building; and
- (b) includes any of the building's building elements that are or form part of damp-proofing, roof cladding or a roof

cladding system, a ventilation system, wall cladding or a wall cladding system, or waterproofing; and

- (c) includes any part of its external moisture-management system

**external plastering work** means—

- (a) the application of plaster to the outside of a building; or
- (b) the application of a proprietary plaster system to, or installation of a proprietary plaster system on, the outside of a building

**fire-safety system**, in relation to a building, means those of its building elements that are intended to protect people, household units adjacent to it, or other property from fire or the effects of fire; and includes building elements that are, or are parts of,—

- (a) emergency warning systems; and
- (b) systems intended to enable or facilitate the evacuation of the building in an emergency; and
- (c) systems intended to enable or facilitate fire-service operation; and
- (d) systems intended to suppress or control fire or smoke

**house** means a free-standing, fully detached building consisting of a single residential unit (or a single residential unit and 1 or more residential facilities)

**household unit**—

- (a) means a building or group of buildings, or part of a building or group of buildings, used or intended to be used solely or principally for residential purposes and occupied or intended to be occupied exclusively as the home or residence of not more than 1 household; but
- (b) does not include a hostel or boardinghouse, or other specialised accommodation

**maximum calculated height**, in relation to a building, means the vertical distance between the highest point of its roof (excluding structures such as aerials, chimneys, flagpoles, and vents) and the lowest point of the ground

**primary structure**, in relation to a building,—

- (a) means those of its building elements that are intended to contribute to its ability to withstand vertical or hori-

zontal loads (for example, its beams, bracing, columns, foundations, roof, subfloor framing, and walls); and

(b) includes any part of its primary structure

**residential facility** means a part of a building that is not a residential unit, but is a facility (for example a corridor, foyer, garage, laundry, lift, sauna, or storage unit) whose principal or only purpose is ancillary to the use of a residential unit in the building (or 2 or more residential units in the building)

**residential unit** means a building, or part of a building, that is so designed that it is more suitable for being lived in by a single household or family than for any other use

**roofing work** means the construction or installation of roofs or the installation of roofing material

**small-to-medium apartment building** means a building that—

- (a) contains 2 or more residential units or residential facilities; and
- (b) does not contain parts that are neither residential units nor residential facilities; and
- (c) has a maximum calculated height of less than 10 m.

(2) In this order, unless the context otherwise requires, terms defined in section 7 of the Act and used but not defined in this order have the meanings given by that section.

#### **4 Order does not apply to certain building work or design work**

This order does not apply to building work or design work relating to a building consent for which the application was made before the commencement of this order.

#### *Building work*

#### **5 Declaration of building work that must be carried out or supervised by licensed building practitioner**

- (1) This clause applies to building work of a kind set out in sub-clause (2) when the building work is the construction or alteration of—
  - (a) the primary structure of a house or a small-to-medium apartment building; or

- (b) the external moisture-management system of a house or a small-to-medium apartment building.
- (2) The kinds of building work are:
  - (a) bricklaying or blocklaying work:
  - (b) carpentry work:
  - (c) external plastering work:
  - (d) foundations work:
  - (e) roofing work.
- (3) Building work of a kind to which this clause applies is declared to be building work that must be carried out or supervised by a licensed building practitioner who is licensed to carry out or supervise that kind of building work.

*Design work*

- 6 Certain design work relating to primary structure or external moisture-management systems of residential buildings to be restricted building work**
  - (1) The kinds of design work described in subclause (2) are restricted building work for the purposes of the Act.
  - (2) The design work referred to in subclause (1) is the preparation of any drawing, specification, or other document, according to which—
    - (a) the primary structure of a house or a small-to-medium apartment building is proposed to be constructed or altered; or
    - (b) any external moisture-management system attached to or forming part of a house or a small-to-medium apartment building is proposed to be constructed or altered.
- 7 Certain design work relating to fire-safety systems of small-to-medium apartment buildings to be restricted building work**

The preparation of any drawing, specification, or other document, according to which any fire-safety system attached to or forming part of a small-to-medium apartment building is proposed to be constructed or altered is restricted building work for the purposes of the Act.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### 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 1 March 2012, relates to the definition of restricted building work (the **definition**) contained in section 7 of the Building Act 2004 (the **Act**). For kinds of building work or design work to be restricted building work, the definition requires a declaration by Order in Council.

As envisaged by paragraph (a)(ii) of the definition, *clause 5* declares certain kinds of building work to be “building work that must be carried out or supervised by a licensed building practitioner who is licensed to carry out or supervise that kind of building work”. (This does not of itself make building work of those kinds restricted building work for the purposes of the Act because, in terms of the definition, restricted building work must also satisfy the following criteria:

- it is critical to the integrity of a building; and
- it is not building work for which, in accordance with section 41 of the Act, a building consent is not required.)

The clause relates to carpentry work, external plastering work, brick-laying or blocklaying work, foundations work, or roofing work on the construction or alteration of—

- the primary structure of a house or a small-to-medium apartment building; or
- the external moisture-management system of a house or a small-to-medium apartment building.

*Clauses 6 and 7* declare certain kinds of design work to be restricted building work for the purposes of the Act. This not only makes design work of those kinds restricted building work, but also has the effect of bringing design work of those kinds within the Act’s definition of building work.

*Clause 6* relates to design work for the construction or alteration of—

- the primary structure of a house or a small-to-medium apartment building; or

- any external moisture-management system of a house or a small-to-medium apartment building.

*Clause 7* relates to design work for the construction or alteration of any fire-safety system for a small-to-medium apartment building.

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This order is administered by the Department of Building and Housing.

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