

Guidance on presenting high quality applications for exemption

IMPORTANT NOTE:

The exemption process developed by the Christchurch City Council is intended for highly competent persons who have a proven record to show that they fully understand Building Act and building code requirements (relevant to the work being undertaken) and can be relied on to achieve compliance on site.

If you do not understand the information provided below, we suggest that it would be appropriate to engage the services of a suitably qualified and experienced person to provide advice and make the application on your behalf. It is up to the applicant to convince council that they have sufficient provisions in place to allow an exemption decision to be made.

Compliance with the building code to the extent required by the Building Act is required with *all* building work, whether or not a building consent is obtained.

This short guide includes:

1. Guidance on preparing your request for a decision on an exemption from building consent.
2. Advice on presenting appropriate 'assurances' to council that allow a decision to be made that building work is likely to comply with the building code.

Please note: It is important that you read this document alongside the Christchurch City Council's [B-390 Guidance document](#) and the Ministry of Business, Innovation and Employment (MBIE) guidance document '[Building work that does not require a building consent](#)'.

Find this document at building.govt.nz/building-work-that-doesnt-need-a-building-consent

What is an exemption?

Schedule 1(2) of the Building Act 2004 allows territorial authorities such as Christchurch City Council, the discretion to exempt work from requiring a building consent.

An exemption from building consent may be possible in instances where:

- It is likely the building work will comply with the New Zealand building code and the Building Act.
- There is little or no risk to life or other property.

General guidance

Requests for an exemption from the need to obtain a building consent under Schedule 1(2) should be submitted electronically using [Online Services](#). You will need to register to use this service, however using the Online Services system minimises administration time for the Council and can lead to faster processing times. Alternatively you can use Council's form B-004 which can be found at ccc.govt.nz/building-consent-forms-and-guides.

Good applications

1. A successful exemption application requires complete design, construction and monitoring methodology to be considered, ensuring that adequate quality & safety assurances are presented. Good applications aim at convincing council that all compliance factors have, and will be considered and achieved throughout the process.
2. Information provided on the application form, or a referenced attached document, will form the basis on which the application will be assessed. For more complex work it is considered appropriate that a quality management plan be submitted containing details of design, construction, inspection and sign off 'assurances'.
3. The Council will approve the application only when satisfied that all potential risks have been mitigated.
4. The application may be declined where the processing officer determines that insufficient assurances are offered and/or a brief review of the documentation raises doubt that compliance with the building code will be met and/or it is considered that the project would be best assessed under a building consent application. Please note that the application fee is for the Council to make a decision, whether that is to approve or decline. Refunds are not available when an application is declined.

5. The level of information required to support a request for a decision will vary according to the circumstances. Information provided in support of an exemption under clause (2) for complex, high risk work may be more extensive than would be required for a building consent, whereas simpler, lower risk work may be appropriately supported by less information than would be required for a building consent.
6. For residential exemption applications the [B377 Owner declaration for application for exemption](#) signed and dated by the current owners is required before we are able to accept the application for processing.

Unsuitable applications

The following factors reduce evidence of competency of the people undertaking the work or assurances of compliance on site. They therefore make it unlikely that the exemption decision will be to approve the application:

1. Plans supplied at the time of the request not demonstrating compliance with the building code. Requests for further information should not be required for significant non-compliances. If the designer has not shown compliance with the building code without guidance and prompting there is a significant concern that the work will not comply on site, meant that the exemption is likely to be declined.
2. The request not identifying the means of compliance, or not covering all or most of the compliance issues that the project will involve. Most projects will involve more than (for example) just the structure of the building. They will almost always need consideration of other clauses, an example being F5 – Construction and demolition hazards. If the applicant does not understand what is required to be considered, then is not reasonable for the Council to decide that it is likely to be carried out correctly on site. Design statements are expected from all design disciplines clearly identifying the building code clauses and means of compliance considered by each designer.
3. Applications which involve work identified in the B-390 guidance on exemptions as *work we will generally not consider* for an exemption.

How to fill out the B-004 application form (sections 5, 6 and 7)

A fully completed B-004 Application for an exemption form or its online equivalent is required in order for a request for an exemption to be accepted for processing. Note that you can refer to supporting documents if the information is presented in a quality management plan or similar document as the space available on the form may not be sufficient.

Section 5. Project details

Brief project description

Example
Earthquake repair of foundation.

Example
Office Fit-out in existing building

Section 6. Exemption details

Detailed description of work:

Define the situation and scope of the proposed work.

Provide a detailed description (scope) of the proposed building work to be captured by the exemption application. Clearly identify if the work is new or repairs.

Example (Based on above)
Engineer repair solution involving partial ring foundation replacement and re-levelling using grout injection.

Example (Based on above)
Office Fit-out - Internal alterations, including new partition walls, changes to fire safety and ventilation systems, new accessible toilet and small staff kitchenette.

Grounds for exemption:

Define the situation and scope of the proposed work.

Nominate which ground Council is asked to assess the application against- Schedule 1(2) (a) and/or (b). In some situations it may be necessary to use both grounds.

Means of compliance:

1. Specify compliance means / choices covering all aspects of the proposed work including applicable design codes, standards & guidelines representing best practice to be adopted.

Example

Documents adopted:

- NZS 3101:2006 - Concrete structures standard
- AS/NZS 1170 (relevant parts)
- NZS 3604:2011 (relevant parts)
- NZBC B1/VM4; B2; F5/AS1

2. Consider mitigation / avoidance of danger to personnel, public & property and provide an assessment of any risks that may present during & after the work is performed. This may be nil but still state that and provide reasoning.

Example

- Work is to comply with NZBC: F5 (Safe site practices employed)
- Work is isolated from public areas, site fully fenced etc.
- Asbestos hazard management plan (for demolitions)

Design responsibilities:

List all persons responsible for the design of the work. Provide the business entity name, followed by participant details, validated by PS1's or licence number. If peer review involved then provide those particulars as well. A design statement from each of the designers should also be provided with the application.

Examples

Documents adopted:

- Structural Engineer name, CPEng #, (provide design statement with accurate scope of work and identifying means of compliance)
- Civil Engineer name, CPEng #, (provide design statement with accurate scope of work)
- Architect name, NZIA # (provide design statement with accurate scope of work and identifying means of compliance)
- Design draughtsperson name(s), LBP# ((provide design statement with accurate scope of work and identifying means of compliance)
- Provide details of the designers experience with similar building projects

Construction responsibilities:

List all persons responsible for the intended construction. This may simply be noted as a reputable established construction entity, otherwise individuals with licenses if known. If you are not providing specific details then you should give us details of what you will be looking for in regard to experience and qualifications - outline in your application how you will select the contractor.

Examples:

Documents adopted:

- Established construction entity with proven track record. (outline their experience/capabilities)
- Construction individuals / entities responsibilities. (provide an accurate scope of works for this group, even if participating individuals / entities are not yet known)
 - Site supervision - Name / LBP# name/relevant experience
 - Foundations - Name / LBP# name/relevant experience
 - Carpentry - Name / LBP# name/relevant experience
 - Plumbing -Registration#
 - Fire safety systems - Name/relevant qualifications/experience
 - Mechanical ventilation - Name/relevant qualifications/experience

Provide details of the contractors experience with similar projects.

Quality Assurance:

1. Project management/Sign off:

As Council will not be carrying out inspections or issuing a code compliance certificate, advise what project management and quality assurance systems will be in place to ensure that the completed work has been carried out to the intent of the contract documents and that the completed work complies with the building code. This is a critical aspect when requesting an exemption, the greater the number of steps put in place to ensure compliance of the building work the better.

2. Monitoring:

List those responsible for supervision/inspections/monitoring and issue of written sign off (via producer statement (PS3, PS4 or similar)

Examples:

- Structural Engineer - name, CPEng # - PS4 monitoring (to match initial scope of PS1)
- Civil Engineer - name, CPEng # - PS4 monitoring (to match initial scope of PS1)
- Architect - name, NZIA # - (specify supervision or project management and the scope)
- Design draughtsperson(s) - name(s) LBP# - (if providing site supervision/monitoring)
- Contractors/sub-contractors - name(s) LBP# - Construction Statement requirements.

Provide details of experience in monitoring similar projects.

3. Inspection schedules:

Provide an inspection schedule from the professionals to cover all areas of work that would normally be inspected by Council under a building consent.

NB. For work outside of the scope of a CPEng engineer, inspections are expected to be carried out by suitably qualified persons independent of the contractor/sub-contractor. For very minor work where the risk of non-compliance is considered by the processing officer as very low, self-certification by an LBP may be accepted. Generally, for each area of specific design there should be a corresponding sign off.

4. Final inspection/sign off:

Where multiple personnel are involved from different disciplines (structural/fire/mechanical etc.) it is suitable that someone is nominated to have overall responsibility for the completion, inspection and sign off of all work. They would also be responsible for managing the collection of statements, site records, photographs, etc.

Section 7. Supporting documents

Identify the documents being provided with the exemption application, including those relating to construction monitoring to be provided when construction is complete, if desired, to complete Council property records for future reference. Note: The current application fee does not include the receipt / filing of documentation after approving the exemption. The [building consents fee schedule](#) states the amount required to have documents added to the property file at the customer's request.

Examples:

- Included at application:
 - Engineers building damage reports
 - DEE's (for commercial buildings with EQ damage repairs)
 - Geotechnical reports (for foundation repairs/replacements)
 - Construction drawings
 - Specifications
 - PS1 & PS2 (as applicable)
- To be provided after completion of construction:
 - PS3's & PS4's (as applicable)
 - Engineer site instructions etc.
 - Pipework testing results
 - Photographs

Quality management/Construction management plans

As the scope and complexity of work being considered under an exemption grows it is considered appropriate to provide a comprehensive supporting document containing all of the design, construction, inspection and sign off procedures in one document.

An outline document like this enables the exemption processing officer to clearly and efficiently understand the provisions the applicant is putting in place to ensure the work is likely to comply with the building code.

A comprehensive plan should include all of the information above and could include:

- Clear scope of works
- Step-by-step methodology/timeframe of construction/inspection/sign off
- Health and safety
- Detailed list of personnel involved and a more in-depth description of their role and their relevant experience/qualifications
- Reporting procedures
- Examples of prospective documentation - statements/reports/site records.