

If you are undertaking a building project, some or all of the work involved may not require building consent.

Instead, the building work may be exempt under the Building Act, or if not, we may be able to grant a discretionary exemption.

The Dunedin City Council's (DCC) guide covers the following points.

What is a discretionary exemption?

[Schedule 1 of the Building Act](#) lists work that is exempt and can be carried out without requiring building consent. It also provides a discretionary exemption that allows us to exempt other types of work.

A discretionary exemption may be possible where the work fits the following criteria:

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

Some key points to note if we do grant a discretionary exemption are:

- A discretionary exemption cannot be granted retrospectively.
- A code compliance certificate will not be issued.
- The DCC will not inspect the work.
- The work must comply with the Building Act, Building Code, and all other laws, including:
 - Resource Management Act – You should consult with DCC planners if you have a heritage or character building, or where your work may impact neighbours.
 - Plumbers Gasfitters & Drainlayers Act.
 - Electricity Act.
 - Fire and Emergency New Zealand Act.
 - Health and Safety at Work Act.

The responsibility for complying with these requirements remains with the owner and those people carrying out the work. We recommend you work with a competent building professional or practitioner with a good understanding of the Building Act, the Resource Management Act, and the construction environment.

Examples of residential or commercial work for which we have previously granted discretionary exemptions:

- *Adding insulation to the exterior walls of an existing building.*
- *Backcountry bridge construction.*
- *Temporary buildings used for a specific purpose / event e.g., camera towers used for the Rugby World Cup, and stages used for concerts.*

Examples of residential or commercial work for which we generally will not grant discretionary exemption:

- *Work that is already listed as exempt under Schedule 1 e.g., building a deck that is less than 1.5 metre above the ground.*
- *Work that exceeds the limits set by existing Schedule 1 exemptions e.g., wanting to construct a deck that is 2.5 metres above the ground.*
- *Work that has already been carried out.*

How do I apply for a discretionary exemption and what is the cost?

Applications for an exemption should be made via our [Online Services portal](#). You will need to [register](#) to use this service.

The level of information required can vary depending on circumstances. The information required for complex high-risk work may even be more extensive than would be required for a building consent.

Simpler, lower risk work will require less information than would be required for a building consent.

The following must be included with an application:

- The names and registration numbers of all relevant suitably qualified persons, where known, and their experience in the type of work proposed.
- A detailed explanation of how compliance with the New Zealand Building Code is likely to be achieved. This should consider the complexity of the work, the risks, and consequences of it not complying, and any quality assurance that can be offered.
- A copy of all relevant drawings, supporting documents and specifications. For example, a plan, elevations, typical sections, and critical member sizes and critical construction details, if any.
- If an engineer is involved, a copy of the engineer's calculations and sketches including a producer statement - design.

Please note that the fees for an exemption apply whether the application is approved or declined. If the application is not approved due to insufficient information or the work not fitting the required criteria, processing time will be charged. Processing charges can be found here: [Building services general charges - Dunedin City Council](#)

The process we follow in deciding whether to grant a discretionary exemption.

A dedicated team consider each application on a case-by-case basis, taking into account factors such as:

- The work is to be carried out by suitably qualified and experienced persons with a proven track record of competence in similar work, and
- Comprehensive assurances show that the work is likely to comply with the New Zealand Building Code, or
- There would be little or no risk to life or other property, even if the work did not comply, and
- The purposes and principles of the Building Act will not be undermined by the approval of an exemption.

Please note:

- If we become aware that work has been undertaken other than in accordance with an approved exemption, or if the information provided proves to be inaccurate, the approval becomes void and may be revoked.
- All building work is required to comply with the building code to the extent required by the Building Act, whether or not a building consent is obtained.
- Once the decision is made to grant an exemption, a record of the exempt building work is placed on the DCC property file.

You can find more detailed information in Schedule 1 and Section 41 of the Building Act, and the Ministry of Building, Innovation and Employment (MBIE) has a guide available here: ['Building work that doesn't need a building consent'](#).