

Version  
as at 7 September 2022



**Building (Definition of Restricted Building Work)  
Order 2011**  
(SR 2011/317)

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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**Note**

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This order is administered by the Ministry of Business, Innovation, and Employment.**

*Building work*

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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 horizontal 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**

- (1) 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.
- (2) This order does not apply to building work or design work carried out by a registered MCM in the course of designing or manufacturing a modular component.

Clause 4(2): inserted, on 7 September 2022, by section 103 of the Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021 (2021 No 21).

### *Building work*

#### **5 Certain building work relating to primary structure or external moisture-management systems of residential buildings to be restricted building work**

- (1) The kinds of building work to which this clause applies are restricted building work for the purposes of the Act.
- (2) This clause applies to building work that is—
  - (a) the construction or alteration of—
    - (i) the primary structure of a house or a small-to-medium apartment building; or
    - (ii) the external moisture-management system of a house or a small-to-medium apartment building; and
  - (b) of a kind described in subclause (3); and
  - (c) of a kind for which a licensing class to carry out or supervise the work has been designated by Order in Council under section 285 of the Act.
- (3) The kinds of building work referred to in subclause (2)(b) are—
  - (a) bricklaying or blocklaying work;
  - (b) carpentry work;

- (c) external plastering work:
- (d) foundations work:
- (e) roofing work.

Clause 5: replaced, on 4 December 2014, by clause 4 of the Building (Definition of Restricted Building Work) Amendment Order 2014 (LI 2014/341).

*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.

**Notes****1 *General***

This is a consolidation of the Building (Definition of Restricted Building Work) Order 2011 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

**2 *Legal status***

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

**3 *Editorial and format changes***

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

**4 *Amendments incorporated in this consolidation***

Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021 (2021 No 21): Part 2 subpart 2

Building (Definition of Restricted Building Work) Amendment Order 2014 (LI 2014/341)