



Building (Designation of Building Work Licensing Classes) Order 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 1st day of March 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 285 and 291 of the Building Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister (as defined by section 7 of that Act) made, as required by section 403(2) of that Act, after he or she became satisfied that the chief executive (as so defined) has consulted in accordance with section 403(3) and (4) of that Act, makes the following order.

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Order

- 1 Title**
 This order is the Building (Designation of Building Work Licensing Classes) Order 2010.

- 2 Commencement**
 This order comes into force on 1 April 2010.

- 3 Interpretation**
 (1) In this order, unless the context otherwise requires,—
 Act means the Building Act 2004
 ancillary building means a building classified under clause A1 of the building code as under the category of ancillary (for example, a bridge, derrick, fence, free-standing outdoor fireplace, jetty, mast, path, platform, pylon, retaining wall, tank, tunnel, or dam)
 area of practice 1, area of practice 2, and area of practice 3, in relation to licensing, or an application to be licensed, in a licensing class, have the same meanings as in the rules
 category 1 building, category 2 building, and category 3 building have the meanings given to them by the Schedule
 LBP means a licensed building practitioner

NZS 3604:1999 means the New Zealand standard on *Timber framed buildings* as amended by the following:

- (a) NZS 3604:1999A1: Amendment 1; and
- (b) NZS 3604:1999A2: Amendment 2

outbuilding means a building classified under clause A1 of the building code as under the category of outbuildings (for example, a carport, farm building, garage, greenhouse, machinery room, private swimming pool, public toilet, or shed)

standard has the meaning given to it by section 2 of the Standards Act 1988.

- (2) Terms or expressions used and not defined in this order but defined in the Act have, in this order, the same meanings as they have in the Act.

Designation of building work licensing classes

4 Licensing classes designated and building work that LBPs are licensed to carry out or supervise

This order designates the licensing classes specified in rows 1 to 9 of the following table, and an LBP who is licensed in a class specified in one of those rows is licensed to carry out or supervise building work of the type specified in that row:

Row	Licensing class	Type of building work
<i>General licensing classes</i>		
1	Design	Design work for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
2	Site	Co-ordination or oversight of some or all of the construction or alteration of any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building

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Row	Licensing class	Type of building work
<i>Trade licensing classes</i>		
3	Carpentry	Carpentry for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
4	Roofing	Installation of roofs, or roofing materials, for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
5	External plastering	Application of external solid plaster, or proprietary plaster systems, to any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
6	Bricklaying and blocklaying	Laying or erection of bricks or blocks for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
7	Foundations	Construction or alteration of some or all of the foundations in or for any building that is— (a) a category 1 building; or (b) a category 2 building
<i>Specialist licensing classes</i>		
8	Concrete structure	Co-ordination or oversight of some or all of the construction or alteration of 1 or more concrete structures in or for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building
9	Steel structure	Co-ordination or oversight of some or all of the construction or alteration of 1 or more steel structures in or for any building that is— (a) a category 1 building; or (b) a category 2 building; or (c) a category 3 building

Automatic licensing of certain professions

5 Specified architects, engineers, plumbers, and gasfitters treated as if licensed in specified licensing classes

- (1) People specified in column 1 of a row of the following table are, under section 291(2) of the Act, treated as if they were licensed in the building work licensing class or classes specified (and as a result of an assessment in respect of the area of practice, if any, specified after that class or those classes) in column 2 of that row unless their registration, licence, or other recognition under the Act specified in that row is suspended or cancelled:

Column 1		Column 2
Row	Profession	Building work licensing class(es)
1	Registered architects under the Registered Architects Act 2005	Design (area of practice 3)
2	Chartered professional engineers under the Chartered Professional Engineers of New Zealand Act 2002	Design (area of practice 3) and site (area of practice 3)
3	People registered or deemed to be registered under the Plumbers, Gasfitters, and Drainlayers Act 2006 in respect of a class of registration that, with or without modification, replaces or corresponds to craftsman plumber or registered plumber	Roofing, external plastering, and bricklaying and blocklaying
4	People registered or deemed to be registered under the Plumbers, Gasfitters, and Drainlayers Act 2006 in respect of a class of registration that, with or without modification, replaces or corresponds to craftsman gasfitter or registered gasfitter	Roofing, external plastering, and bricklaying and blocklaying

- (2) Column 1 of row 3 of the table in subclause (1) must until the commencement of sections 41 and 173 of the Plumbers, Gasfitters, and Drainlayers Act 2006 be treated as if it referred only to people who are craftsman plumbers or registered plumbers under the Plumbers, Gasfitters, and Drainlayers Act 1976.

- (3) Column 1 of row 4 of the table in subclause (1) must until the commencement of sections 41 and 173 of the Plumbers, Gasfitters, and Drainlayers Act 2006 be treated as if it referred only to people who are craftsman gasfitters or registered gasfitters under the Plumbers, Gasfitters, and Drainlayers Act 1976.

Transitional provisions and revocation

6 Licensing in discontinued licensing class converts to licensing in new licensing class

- (1) Licensing that is in a class specified in column 1 of a row of the following table and that is current at the close of 31 March 2010 continues after 31 March 2010 until cancelled or suspended but after 31 March 2010 is treated as if it were licensing in the class specified in column 2 of that row and arising from an assessment in respect of the area of practice specified in column 3 of that row:

	Column 1	Column 2	Column 3
Row	Discontinued licensing class	New licensing class	Area of practice
1	Design—class 1	Design	Area of practice 1
2	Design—class 2	Design	Area of practice 2
3	Design—class 3	Design	Area of practice 3
4	Site—class 1	Site	Area of practice 1
5	Site—class 2	Site	Area of practice 2
6	Site—class 3	Site	Area of practice 3

- (2) An application for licensing in a class specified in column 1 of a row of the table in subclause (1) and that at the close of 31 March 2010 has not been withdrawn or finally determined continues after 31 March 2010 as if this order had not been made except that any licensing resulting from the granting of the application is treated as if it were licensing in the class specified in column 2 of that row and arising from an assessment in respect of the area of practice specified in column 3 of that row.

7 Revocation

The Building (Designation of Building Work Licence Classes) Order 2007 (SR 2007/126) is revoked.

**Schedule
Categorisation of buildings**

cl 3(1)

Part 1**Category 1 buildings**

A **category 1 building** is a building—

- (1) that is neither an ancillary building nor an outbuilding; and
- (2) whose building envelope (whether the building is a new structure or an existing building) has a total risk score (calculated under Part 4) that does not exceed 12 for any external elevation; and
- (3) whose use (determined, whether the building is a new structure or an existing building, in accordance with regulation 6 and Schedule 2 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005) is SH (sleeping single home).

Part 2**Category 2 buildings**

A **category 2 building** is a building that is—

- (1) neither an ancillary building nor an outbuilding; and
- (2) neither a category 1 building nor a category 3 building.

Part 3**Category 3 buildings**

A **category 3 building** is a building that is neither an ancillary building nor an outbuilding, and that is not a category 1 building, but is a building—

- (1) whose use (determined, whether the building is a new structure or an existing building, in accordance with regulation 6 and Schedule 2 of the Building (Specified Systems, Change the

Part 3—*continued*

Use, and Earthquake-prone Buildings) Regulations 2005) is not SH (sleeping single home); and

- (2) whose building height is or exceeds 10 metres where—
- building height** means the vertical distance between the upper surfaces of the floors of the building’s lowest and highest storeys
- floor** does not include a mezzanine floor or a rooftop area
- storey** means a portion of the building between the upper surface of a floor (**floor A**) in the building and—
- (a) the upper surface of the next above floor in the building; or
 - (b) if there is no next above floor in the building, the lower surface of the ceiling or roof above floor A.

Part 4

Total risk score

- (1) A total risk score for an external elevation on the building envelope of a building is calculated by using the calculation table in clause (2) and completing the following steps:
- (a) for each specified risk factor, use the definitions of risk table in clause (3) to decide whether the risk severity is low, medium, high, or very high, and enter the applicable score; and
 - (b) copy the applicable score for each risk factor to the column whose heading is “Subtotals for each risk factor”; and
 - (c) add all the scores copied into that column to arrive at the total risk score for the external elevation.

Part 4—*continued*

- (2) The calculation table is as follows:

Calculation table

Elevation	Risk severity				Subtotals for each risk factor
Risk factor	Low	Medium	High	Very high	
Wind zone	0	0	1	2	
Number of storeys	0	1	2	4	
Roof/elevation intersection design	0	1	3	5	
Eaves width	0	1	2	5	
Envelope complexity	0	1	3	6	
Deck design	0	2	4	6	

Total risk score:

- (3) The definitions of risk table is as follows:

Definitions of risk table

Wind zone	Low risk	Low wind zone as described by NZS 3604:1999
	Medium risk	Medium wind zone as described by NZS 3604:1999
	High risk	High wind zone as described by NZS 3604:1999
	Very high risk	Very high wind zone as described by NZS 3604:1999
Number of storeys	Low risk	One storey
	Medium risk	Two storeys in part
	High risk	Two storeys
	Very high risk	More than 2 storeys
Roof/elevation intersection design	Low risk	Roof-to-elevation intersection fully protected (for example, hip and gable roof with eaves)

Part 4—*continued*

Definitions of risk table

	Medium risk	Roof-to-elevation intersection partly exposed (for example, hip and gable roof with no eaves)
	High risk	Roof-to-elevation intersection fully exposed (for example, parapets, enclosed balustrades, or eaves at greater than 90° to vertical with soffit lining)
	Very high risk	Roof elements finishing within the boundaries formed by the external elevations (for example, lower ends of aprons, chimneys, dormers, etc)
Eaves width ^{(1) (2)}	Low risk	Greater than 600 mm for single storey
	Medium risk	451–600 mm for single storey, or greater than 600 mm for 2 storey
	High risk	101–450 mm for single storey, or 451–600 mm for 2 storey, or greater than 600 mm above 2 storey
	Very high risk	0–100 mm for single storey, or 0–450 mm for 2 storey, or 600 mm or less above 2 storey
Envelope complexity	Low risk	Simple rectangular, L, T, or boomerang shape, with single cladding type
	Medium risk	Moderately complex, angular, or curved shapes (for example, Y or arrowhead) with no more than 2 cladding types
	High risk	Complex, angular, or curved shapes (for example, Y or arrowhead) with multiple cladding types

Part 4—*continued*

Definitions of risk table

	Very high risk	As for high risk, but with junctions not covered in the rows of this table relating to roof/elevation intersection design and deck design (for example, box windows, pergolas, or multi-storey re-entrant shapes)
Deck design ⁽³⁾	Low risk	None, timber slat deck or porch at ground-floor level
	Medium risk	Fully covered in plan by roof, or timber slat deck attached at first- or second-floor level
	High risk	Enclosed deck exposed in plan or cantilevered at first-floor level
	Very high risk	Enclosed deck exposed in plan or cantilevered at second-floor level or above

Notes

- (1) Eaves width measured horizontally from external face of wall cladding to outer edge of overhang, including gutters and fascias.
- (2) Balustrades and parapets count as 0 mm eaves.
- (3) **Deck**—
 - (a) means an open platform (which may be known as a balcony)—
 - (i) projecting from an exterior wall of a building; and
 - (ii) supported by framing; and
 - (iii) that may be over enclosed internal spaces, or may be open underneath; and
 - (b) includes an enclosed deck (that is, a deck (which may be known as a balcony)—
 - (i) over an interior or exterior space; and
 - (ii) that has an impermeable upper surface; and
 - (iii) that is closed on the underside).

Rebecca Kitteridge,
Clerk of the Executive Council.

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 April 2010, is made under the Building Act 2004 (the **Act**). The order—

- designates 9 building work licensing classes for licensed building practitioners under the Act; and
- specifies the types of building work that licensed building practitioners who are licensed in those classes are licensed to carry out or supervise; and
- specifies people who, under section 291(2) of the Act, are treated as if they are licensed in a specified class.

Rules relating to licensed building practitioners are, under sections 353 to 362 of the Act, prepared by the chief executive of the Department of Building and Housing, and then approved by the Building Practitioners Board and the Minister for Building and Construction. Rules of that kind contain the following minimum standards:

- minimum standards of competence (including standards relating to knowledge and skills) that must be met for each licensing class; and
- minimum standards for demonstrating current competence for each licensing class that must be met for continued licensing, and for the frequency at which assessments of current competence must be carried out.

Section 84 of the Act requires all restricted building work to be carried out or supervised by a licensed building practitioner who is licensed to carry out or supervise the work. However, section 84 and other provisions of the Act that relate to restricted building work are yet to come into force. Before their commencement, there is no kind of building work—

- that may be lawfully carried out or supervised by a licensed building practitioner only; or
- that cannot lawfully be carried out or supervised by a licensed building practitioner who is licensed to carry out or supervise building work of a certain type only.

Licensing does, however, still have some consequences under the Act before the commencement of the restricted building work provisions. For example, the register of building practitioners established

and maintained under section 298 of the Act enables members of the public to choose a suitable building practitioner from a list of licensed building practitioners. Licensed building practitioners may also, under subpart 2 of Part 4 of the Act, be the subject of complaints to, and disciplinary penalties imposed by, the Building Practitioners Board. In addition, a person commits an offence under section 314 of the Act if the person—

- holds himself or herself out as a person who is licensed to carry out or supervise building work, or building work of a certain type, while not being so licensed; or
- is a licensed building practitioner and fails on a request for the purpose to produce for inspection by the requester material that is, or is a copy of, evidence of being licensed, as required by section 289 of the Act; or
- is a person applying to become licensed, or a licensed building practitioner, and fails to give written notice of a change in circumstances, in accordance with section 302 of the Act.

This order revokes and replaces the Building (Designation of Building Work Licence Classes) Order 2007. The main changes made by this order are as follows:

- a new foundations licensing class is established relating to construction or alteration of foundations:
- the former building services licensing class is discontinued (no licensing in that class has occurred, in part because no rules prescribing minimum standards for that class have been made):
- the former 3 design licensing classes are replaced with a single design licensing class, the former 3 site licensing classes are replaced with a single site licensing class, and relevant existing licensing is converted accordingly:
- Chartered professional engineers under the Chartered Professional Engineers of New Zealand Act 2002 are automatically licensed not only in the design licensing class, but also in the site licensing class:
- registered plumbers and registered gasfitters are automatically licensed in the roofing, external plastering, and bricklaying and blocklaying licensing classes:

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- the definitions of the 3 categories of buildings are simplified.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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This order is administered by the Department of Building and Housing.
