



Roof cladding replacements – building permit requirements

This advice is intended to provide guidance to permit authorities and others in the building industry on whether an exemption from requiring a building permit applies for renovation or repair work to buildings or incidental structures – specifically roof cladding replacements.

Schedule 4, Clause 2, Item 2 of the Building Regulations 2012 (the Regulations) states that the renovation, alteration or repair of a building or incidental structure does not need a building permit if the building work:

- a. will not adversely affect the structural soundness of the building or incidental structure and does not include —
 - (i) an increase or decrease in the floor area or height of the building or incidental structure;
 - (ii) underpinning or replacement of footings; or
 - (iii) the removal or alteration of any element of the building or incidental structure that is contributing to the support of any other element of the building or incidental structure; and
- b. is done using materials commonly used for the same purpose as the material being replaced;
- c. will not change the use or classification of the building or incidental structure;
- d. will not adversely affect the safety and health of the occupants or other users of the building or incidental structure or of the public;
- e. will not affect the way in which the building or incidental structure complies with each building standard that applies to the building or incidental structure;
- f. is not work affecting other land that requires consent, court order or other authority; and
- g. is not subject to an order, agreement or permit under the Heritage Act.

The above paragraphs (a), and (e) are the most relevant provisions for determining whether or not a building permit is required for a particular roof replacement project. A building permit will be required if any one of the above criteria (paragraphs (a) to (g) above) are not met.

The two most relevant paragraphs under Schedule 4, Clause 2, Item 2 of the Regulations can be explained as follows:

- Paragraph (a) relates to structural provisions and requires that the work does not adversely affect the structural soundness of the building. Replacing a like for like roof cladding (including its material and profile) should not adversely affect the structural soundness, however replacing a roof cladding made from one material or profile with a roof cladding made from a different material or with a different profile may adversely affect the structural soundness of the building.

For example a lighter material may require additional tie downs against wind up lift, or a different profile may require closer/different support spacing or a heavier material may require additional structural support. In these cases a building permit should be required.

- Paragraph (e) relates to the way the building complies with each applicable building standard (including the structural, energy efficiency or fire safety provisions of the Building Code).

For example if the replacement of a roof cladding necessitates additional tie downs or additional/different supports to comply with the Building Code then the way the building is complying with the applicable building standards has been changed and does not meet the criteria set under this paragraph.

Must comply with the applicable building standards

Even if a building permit is not required the owner must ensure the building work complies with the applicable building standards (refer Section 37(2) of the Building Act 2011).

The decision as to whether a building permit is required

The decision as to whether a building permit is required rests with the relevant permit authority that has the power to investigate unauthorised building work and prosecute a person for carrying out building work without a building permit. There are hefty penalties for carrying out building work without a permit.

Disclaimer

The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

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