

## **Occupational Licensing (Class 7b Farm Sheds built by Owner) Exemption Order 2021**

DOC/20/76362

I, Peter John Graham, Administrator of Occupational Licensing, hereby make this Order under section 99 of the *Occupational Licensing Act 2005*.

### **Order Title**

Occupational Licensing (Class 7b Farm Sheds built by Owner) Exemption Order 2021.

### **Description**

This Order determines and clarifies that certain owners are exempted from holding a builder licence, or an owner builder permit, for erecting Class 7b farm sheds.

### **Version**

1.0

### **Application**

This Order takes effect on its publication in the Gazette.

### **Date of Administrator's Approval**

11 August 2021

### **Date of Gazettal**

25 August 2021



**Peter Graham**  
Administrator of Occupational Licensing

## Document Development History

Version No.	Application Date	Sections amended
1.0 (This Order)	25 August 2021	N/A

## Definitions

**“Act”** means the *Occupational Licensing Act 2005*;

**“Building Work on a Class 7b Farm Shed”** means the carrying out or managing of building work by an owner for erecting a Class 7b farm shed on their own land, but does not include:

- the carrying out or managing of any associated plumbing work or demolition work, if a type of work is required under the Act to be performed by a licensed person; or
- entering into a contract to be responsible for performing for any other person any Permit Building Work or Notifiable Building Work.

**Class 7b Farm Shed** means a single storey non-habitable building located on land primarily used for farming that is—

- (i) used in connection with farming; or
- (ii) used primarily to store one or more farm vehicles; or
- (iii) a combination of (i) and (ii); and
  - occupied neither frequently nor for extended periods by people; and
  - in which the total number of persons accommodated at any time does not exceed 2.

**“Classification”** means classification of a building under the National Construction Code;

**“Farming”** means—

(a) cultivating, propagating and harvesting plants or fungi or their products or parts, including seeds, spores, bulbs or the like, but does not include forestry; or

(b) maintaining animals in any physical environment for the purposes of—

- (i) breeding them; or
- (ii) selling them; or
- (iii) acquiring and selling their bodily produce such as milk, wool, eggs or the like; or

(c) a combination of (a) and (b).

**“Notifiable Work”** and **“Low Risk Work”** have the same meanings as used in the Director’s Determination – Categories of Building and Demolition Work, made under the *Building Act 2016*, as amended from time to time;

**“Owner”** has the same meaning as in the Act;

**“Regulations”** means the *Occupational Licensing (Building Services Work) Regulations 2016*.

## Exemptions of specified classes of persons:

1. An owner performing building work as the responsible builder on a Class 7b farm shed on their own land, is exempted from s 22A(1) of the Act from holding a Building Services Provider licence as a builder.
2. For the purpose of s 22A(2)(b)(iii) of the Act, a person employed or engaged by an owner exempted by clause (1) for performing building work on a Class 7b farm shed, is also exempted from s 22A(1) of the Act from holding a Building Services Provider licence as a builder.

## Explanatory Notes (not part of the Order):

- a) a person exempted by clause (1) from requiring a builder licence to perform building work on a Class 7b farm shed, is also exempted by this Order from holding an owner builder permit under Part 3A of the Act;
- b) for the purposes of s 22A(2)(a)(ii) of the Act, the exemption provided by clause (1) and by regulation 10(b) of the Regulations (from requiring an owner builder permit while performing building work on a Class 7b farm shed) are thereby taken to be equivalent to the authority of an owner builder permit for that work, that was granted under Part 3A of the Act;
- c) for the purposes of section 94 of the *Building Act 2016*, a person who has been exempted by clause (1) from holding a licence, is thereby taken to hold the authority of a licensed builder while they are performing Notifiable Work on a Class 7b farm shed.

## Background (not part of the Order):

### Licensing issues:

- (i). Owners erecting Class 7b farm sheds on their own land are not required to apply for and be granted an owner builder permit for that work. That is established by regulation 10(b) of the *Occupational Licensing (Building Services Work) Regulations 2016*;
- (ii). Therefore, for clarification:
  - a. this Order has also exempted owners erecting 7b farm sheds, and the persons who work for them, from being licensed under the Act as a builder; and
  - b. persons exempted by this Order, are taken to hold the same authority under the Act for that work, as if an owner builder permit had been granted; and
  - c. for the purposes of Part 8 of the *Building Act 2016*, exempted persons performing Notifiable Building Work on a Class 7b farm shed, are taken to hold equivalent status as a licensed builder while performing that work.

### Work approvals:

Any Class 7b farm shed larger than the types determined as Low Risk Work, must be approved by a building surveyor as Notifiable Work and then notified to the council Permit Authority.