



Essential Business in the Building and Construction sector

Information on essential business for building and construction sector (as at 25 March) <https://www.building.govt.nz/covid-19/>.

This is a very fast-moving situation with information being updated regularly.

What is an essential service/business

The current definition of an essential business for the building and construction sector is:

- Any entity involved in building and construction related to essential services and critical infrastructure
- Any entity involved in building and construction required immediately to maintain human health and safety at home or work
- Any entity that performs or is involved in building and resource consenting necessary for the above purposes.

To further clarify this definition, an essential business is:

- Any entity or occupation involved in the supply of electricity, gas, water, wastewater (sanitation), or
- Any entity or occupation involved in building and construction required immediately to maintain human health and safety at home or work
- Any entity that has regulatory responsibilities in relation to building consenting and compliance and resource consenting necessary for the above purposes.

Note: most building work required urgently for the purposes of maintaining human health and safety will not require a consent.

Information for industry

Q: What can I do as a tradesperson (e.g. plumber, electrician, carpenter)

Under a level 4 alert, only trades people undertaking work related to essential business or infrastructure are expected to be working outside of the self-isolation protocol. The exception to this may be where tradespeople are required to undertake emergency work where the need is immediate and required to maintain human health and safety.

Situations might include:

- The repair or replacement of a failed hot water cylinder required for sanitation purposes
- The unblocking and repair or replacement of sanitary waste or water supply pipes to maintain human health and safety
- The repair or replacement of electrical installations or equipment where there is an immediate threat to the human health and safety
- The securing of roof or structure where there is an immediate threat to human health and safety

Examples of non-emergency work would be:

- Finishing the lining of a client's house
- Pouring a concrete slab to get ahead while the country is in lockdown

- Replacing tap washers
- Routine servicing of non-essential equipment or infrastructure
- Replacement of sanitary fixtures that are working

Q: I am currently working on a building site. What can I do to secure or close a building site or waterproof it?

During Alert level 4, the only building and construction work permitted is that work which is required to ensure that the building site does not pose an immediate life or health safety risk or that is required for essential services or infrastructure. It is expected that, during Alert level 3, building sites will be closed down, as they would for a weekend or holiday break period.

Q: What if something happens subsequently to the site?

Emergency work where the need is immediate and required to maintain human health and safety is permitted.

Q: Can I carry on completing a nearly finished building e.g. residential building, commercial building?

Only if the building is currently occupied by or required for an essential service/business, or where the need is immediate and required to maintain human health and safety.

Q: What does 'required immediately' mean in regard to a building site?

Only if the building is currently occupied by or required for an essential service/business or required for maintaining human health and safety.

Information for Councils

Q: What Territorial Authority (TA) and building consent authority (BCA) functions are essential services?

Any work that contributes to ensuring work for or to buildings providing an essential service.

Any work that contributes to ensuring building and construction work that is required to maintain human health and safety at home or work.

With regard to "business as usual" work that a BCA or TA undertakes, we suggest that this is continued to the extent that it can be under Level 4 restrictions. For example, BCOs can continue to process consents if they can do so from home.

Q: As a BCA, what will happen to my accreditation if I go over statutory timeframes for consenting?

If consenting timeframes slip during this period of shut down BCAs' accreditation will not be affected. MBIE will continue to monitor the situation and consider the impacts of COVID-19 – including the sector's ability to respond to the changes.

Q: For the purposes of obtaining a building warrant of fitness (BWof), can procedures be carried out such as inspection, maintenance and reporting?

The following building systems must remain functional:

- building systems that are necessary to maintain human health and safety at home/work, i.e. in buildings that are occupied

- building systems that are necessary to enable the continued operation of essential services and critical infrastructure.

Some repair and minimal maintenance to keep these building systems functional is permitted. If these building systems are not monitored (and defects aren't automatically detected), they may be checked periodically, at the minimum frequency necessary. Other routine maintenance and inspection processes are not considered essential.

Q: Should we respond to defect notifications, activations (alarms) and urgent service/repair requirements of life/fire safety systems?

Servicing, repair and resetting of building systems is permitted only if:

- It is necessary to ensure the building system remains functional, either to maintain human health and safety at home/work or to enable the continued operation of essential services and critical infrastructure, AND
- The failure to immediately respond means that the system will no longer be able to operate

Other service and repair work, such as routine maintenance and inspections, is not permitted.

Information for building and construction retailers and supply chain

On 24 March, Cabinet decided that Bunnings, Placemakers, Mitre 10 and other retailers essential to the supply chain for building and construction can stay open to trade customers for essential purposes only.

Q: My business is not one of those three named retailers but supplies materials to the building and construction sector. Am I an essential business/service?

Building and construction material suppliers are essential businesses if their materials are required by another essential business/service.

Retailers and wholesalers who operate as an essential business are expected to have a process in place so they can be confident that:

- Their customer is in a trade; and
- That the materials are consistent with what would be expected to provide an essential service

It is important to remember the default position that any business is not essential, unless or until it can be established otherwise. When a business is considered essential, it is only for the duration of the activity required. Some businesses may be deemed essential to provide a specific service for a limited time, and then revert to being not essential.

It is also important to remember that even essential businesses must operate in a manner that limits or eliminates the risk of spreading COVID-19. Further information is available at the Government's official Covid-19 website.

Q: How far down the supply chain does this go?

The onus is on the essential business (retailer/wholesaler) to determine who they need in their supply chain. If the retailer/wholesaler needs to acquire a material or service to supply an essential service, then that provider becomes an essential service.

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Q: How do I make sure tradespeople I am supplying are doing essential work?

Materials and products purchased should demonstrate that they are providing an essential service.

Q: What is expected in terms of checking customers are in trade?

We first encourage you to check if the customer is a licensed professional (for example, electrical worker, building practitioner, plumber, gasfitter or drainlayer). If they are licensed, then they should provide evidence of their current licence. Most licensed professionals should carry a licence identification card or alternatively you can check their details against the relevant public register for that profession.

Note that not all customers will necessarily be a licensed professional (for example a commercial construction worker), in these cases you should check with their current employer or trade account they will have with your business. It might be that employees or contractors to an essential business have written confirmation from their employer.

Please note that this is general advice only and will vary for each specific situation. In addition, this continues to be an evolving situation. For specific and current advice relating to your unique situation, please get in touch with an expert from our employment team.