

# Guidance Document for Applications for Exemption

## Building Act 2004 - Schedule 1, Exemption 2 for Marquees

### Important Note:

The exemption process developed by the Marlborough District Council is intended for highly competent persons who have a proven record to show that they fully understand the Building Act 2004 and New Zealand Building Code requirements (relevant to the work being undertaken) and can be relied on to achieve compliance on site.

If you do not understand the information provided below, we suggest that it would be appropriate to engage the services of a suitably qualified and experienced person to provide advice and make the application on your behalf. It is up to the applicant to convince the Marlborough District Council that they have sufficient provisions in place to allow an exemption to be made.

Compliance with the New Zealand Building Code to the extent required by the Building Act 2004 is required with **all** building work, whether or not a building consent is obtained.

Prior to submitting your application for an exemption, you will need to arrange a meeting with a senior Building Control team member to discuss whether or not the application is appropriate for consideration.

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This short guide includes:

1. Guidance on preparing your request for a decision on an exemption from building consent
2. Advice on presenting appropriate 'assurances' to the Marlborough District Council that allow a decision to be made that building work is likely to comply with the New Zealand Building Code

**Please note:** It is important that you read this document alongside the Ministry of Business, Innovation and Employment (MBIE) guidance document 'A guide to building work that does not require a building consent'.

Find this document at: <https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-work-that-doesnt-need-a-building-consent/technical-requirements-for-exempt-building-work/>

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## What is an exemption?

Schedule 1 of the Building Act 2004 allows territorial authorities, such as the Marlborough District Council, the discretion to exempt work from requiring a building consent.

An exemption from building consent may be possible in instances where:

- It is likely the building work will comply with the New Zealand Building Code and the Building Act 2004
- There is little or no risk to life or other property

## General guidance

Requests for an exemption from the need to obtain a building consent under Schedule 1 Exemption 2. The exemption can only be submitted after discussion with a Senior Building Control Officer.

Applications can then be submitted in hard copy form (or via e-mail with the Senior Building Control Officers approval).

Note: Online applications are not available at this stage.

## Good applications

1. A successful exemption application requires complete design information, construction information including who is undertaking the erecting of the marquee.
2. Information provided on the application form, and referenced attached documents, will form the basis on which the application will be assessed.
3. The Marlborough District Council will approve the application only when satisfied that all potential risks have been mitigated.
4. The application may be declined:
  - where the processing officer determines that insufficient assurances are offered; and/or
  - a brief review of the documentation raises doubt that compliance with the New Zealand Building Code will be met; and/or
  - it is considered that the project would be best assessed under a building consent application

**Please note: The application fee is for the Marlborough District Council to make a decision, whether that is to approve or decline. Refunds are not available when an application is declined.**

## Unsuitable applications

The following factors reduce evidence of competency of the people undertaking the work or assurances of compliance on site. They therefore make it unlikely that the exemption decision will be to approve the application:

1. Plans supplied at the time of the request not demonstrating compliance with the New Zealand Building Code. Requests for further information should not be required for significant non-compliances. If the designer has not shown compliance with the New Zealand Building Code without guidance and prompting there is a significant concern that the work will not comply on site, meant that the exemption is likely to be declined.
2. The request not identifying the means of compliance, or not covering all or most of the compliance issues that the project will involve. Most projects will involve more than just the structure of the building. There will almost always be a need for consideration of other New Zealand Building Code clauses. If the applicant does not understand what is required to be considered, then it is not reasonable for the Marlborough District Council to decide that it is likely to be carried out correctly on site. Design statements are expected from all design disciplines clearly identifying the New Zealand Building Code clauses and means of compliance considered by each designer.

## How to fill out the BAF0002.18 application form

A fully completed BAF0002.18 application for an exemption form is required for a request for an exemption to be accepted for processing

### **Building Work and Intended Use of Building:**

- Describe the proposed intended use of the Marquee
- Intended life of Marquee including intended date of erection and removed

### **Grounds for exemption:**

- Nominate which clause the Marlborough District Council is asked to assess the application against - Schedule 1 Part 2, (a) and/or (b). In some situations, it may be necessary to use both clauses

### **Who will be doing the design and building work?**

- List all known persons responsible for the intended erection. This may simply be noted as Marquee Hire Company. If you are not using a Hire company for the erection, then provide details, experience, and qualifications of the select contractor.

## Examples:

- Established construction entity with proven track record (outline their experience / capabilities)
- Provide details of the contractor's experience with similar projects
- Who will be responsible for the project

## Supporting documents:

- Identify the documents being provided with the exemption application
- Record of title (formerly known as certificate of title) less than 3 months old
- Site plan - this needs to be specific to the site and show:
  - The location of the marquee(s) if application is for more than one, on the same site
  - Location of fire extinguishers
  - Location of existing buildings - dimensions to relevant boundaries
  - Location of toilets including accessible toilets
- Compliance calculations must be provided with each application (See Below)
- Dimensioned floor plan and elevations of marquee(s), showing available exits
- Size of the marquee, location of tie down points
- Details of egress and fire safety provisions
- Details of restraints/tie downs (these can vary for wind zones/speeds)
- Documentation confirming marquee surface finishes meet NZ Building Code Group Number requirements- (e.g. AS 1530.2 Flammability test example)

Occupant Densities		
Area	Users/m <sup>2</sup>	m <sup>2</sup> /person
Area for standing	2.4	0.4
Bar standing area	2.0	0.5
Dance floor	1.2	0.8
Loose seating	1.25 (or numbers of seats)	0.8 (or based on numbers of seats)
Bar sitting area	1.0 (or numbers of seats)	1.0 (or based on numbers of seats)
Restaurants, dining rooms, loose seating with tables	0.9 (or numbers of seats)	1.1 (or based on numbers of seats)
Dining, beverage and cafeteria spaces	0.8	1.25
Exhibition area, trade fair	0.7	1.4
Showrooms	0.2	5
Retail spaces for furniture, flooring covering, large appliance, building supply and manchester	0.1	10
Kitchens	0.1	10
Fixed seating area	Number of seats*	Based on numbers of seats

This page can be provided with application.

## MARQUEE OCCUPANCY GUIDANCE

Acceptable solutions can be calculated using the information below

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Total floor area of the marquee  = m<sup>2</sup>

Calculate the occupancy density (refer table 1)

Total number of persons

x  =   
 Area (m<sup>2</sup>)                      Occupancy density                      Total no. of persons

Calculate the exits

Total metres of exit width

x  =   
 No. of persons                      7mm of width per person                      Total meters of exit width  
 (Not less than 850mm)

No. of persons	m <sup>2</sup> per person
Up to 500	2 means of escape
500 - 1,000	3 means of escape
1,001 - 2,000	4 means of escape
No exit way shall be less than 850mm in width	

Calculate the safety features required

\* Exit signs must be illuminated when the marquee is used during the hours of darkness

Notes: Where two escape routes are required each escape route shall be sized for the required total width i.e. where a total of x metres of exit width is required, two exits of x metres shall be provided. Where more than one means of escape is required the minimum distance between the two routes shall be 8 metres. Exit ways must be evenly distributed around the perimeter of the marquee to avoid excess travel distances. The minimum width of any escape route is 850mm.

### Precautions required

NUMBER OF PERSONS	EXIT SIGNAGE	ILLUMINATED EXIT SIGNAGE	FIRE ALARM	TELEPHONE	EVACUATION PROCEDURE	FIRE EXTINGUISHERS	EMERGENCY LIGHTING THROUGHOUT
Up to 50	Yes	No	No	No	Yes	No	No
51 to 100	Yes	No	Yes	Yes	Yes	No	No
101 to 250	Yes	No	Yes	Yes	Yes*	No	No
251 to 500	Yes	Yes	Yes	Yes	Yes*	Yes	Yes
501 to 1000	Yes	Yes	Yes	Yes	Yes*	Yes	Yes
1001 to 2000	Yes	Yes	Yes	Yes	Yes*	Yes	Yes
Over 2000	Specific design a fire engineer						

• To be approved by Fire and Emergency New Zealand (FENZ)

Number of exits provided

Number of sanitary fixtures provided

No. of persons	Number of sanitary fixtures required
Up to 50	1 Fixture
Up to 80	2 Fixture
Plus one for every additional 50 or part thereof	
Number of accessible (disabled) fixtures required	
Up to 300	1 Fixture
Up to 600	2 Fixture
Up to 1,000	3 Fixture

There must be enough exits, and with sufficient width, to permit safe evacuation of the calculated occupant capacity. Where existing exits are not sufficient, there are two courses of action. The most satisfactory arrangement is the provision of additional exit capacity by means of either more or wider exits. The other course is to limit the number of people admitted to the fabric structure to that which the exits can serve, provided that the number of persons can be controlled to prevent overcrowding. Regard should also be given to the needs of disabled persons.

### Occupancy calculations - relevant factors

One unit of exit width	7mm per person
Minimum exit width ( $W_m$ )	1000 mm
If occupant load is less than 50	700 mm for horizontal travel and 850 mm for vertical travel
Occupant load factor	See table in Annex D
Floor area in metres <sup>2</sup>	
Number of persons	Floor area in metres <sup>2</sup> multiplied by occupant load factor

With these factors it is possible to calculate the number of units of exit width and subsequently the number and width of exits required for a given number of persons:

Total Exit Width	Number of Exits
$W = N \times 7$	$E = W/W_e$
<b>Where</b>	<b>Where</b>
N = Number of persons	E = Number of exits required
W = total exit width required (mm)	W = total exit width required (mm)
	$W_e$ = exit width, being not less than $W_m$
	Where a decimal of 0.75 or over result, the next whole number is used.

There is also a requirement to have at least a certain number of escape routes, based on the occupancy. This can in some situation be a determining factor for the width of exits used in the calculation using the factors above.

Minimum number of escape routes.