TILED WET-AREA SHOWERS

Schedule 1 Exemption vs. Building Consent Determination Matrix

Building Act 2004

Regulatory & Determination Precedent: In **MBIE Determination 2024/054**, MBIE confirmed that the components of a tiled shower assembly (substrate, wet-area membrane, tile adhesive, tiles, and grout) constitute **internal linings and finishes** under **Schedule 1, Clause 12**. Following this ruling, MBIE formally updated its Schedule 1 technical guidance to remove the historical restriction that excluded wet-area showers from Clause 12 exemptions.

SCENARIO DECISION MATRIX

WORK DESCRIPTION	CONSENT STATUS	SCHEDULE 1 CLAUSE	TECHNICAL & STATUTORY CRITERIA
Acrylic to Tiled Conversion Same position/footprint, installed on existing subfloor or formed raised hob.	EXEMPT	**Clause 12** (Linings) **Clause 35** (Plumbing)	Substrate, wet-area membrane, and tile finishes are internal linings. Plumber replaces existing fixture without adding new sanitary points. Primary framing is structurally unaltered.
Membrane Replacement / Re-tiling Stripping existing tiles/membrane and reapplying new tanking system.	EXEMPT	**Clause 1** (General Repair) **Clause 12** (Linings)	Comparable replacement of internal linings/finishes. Waterproofing must comply with AS/NZS 4858 / AS 3740 to satisfy Clause E3 and Clause B2 durability.
Level-Entry (Stepless) Wet Room Recessing shower base into existing timber subfloor framing.	CONSENT REQUIRED	*Outside Schedule 1* (Structural Alteration)	Cutting, notching, or sistering timber floor joists to create falls modifies primary structural framing, breaching general Schedule 1 exemption boundaries.
New Additional Tiled Ensuite Converting a wardrobe or non-wet area into an additional bathroom.	CONSENT REQUIRED	*Outside Schedule 1* (Increases Fixtures)	Increases the total number of sanitary fixtures in the dwelling (failing the Clause 35 statutory condition) and creates new foul-water branch connections.
Proprietary Pre-formed Trays e.g., Wedi / CodeMark trays with integrated falls on unaltered floor.	EXEMPT	**Clause 12** (Linings) **Clause 35** (Plumbing)	Exempt when installed over structurally sound, unaltered subfloors strictly adhering to the certified system specifications and manufacturer technical manuals.

STATUTORY BASIS & LEGAL TESTS

Why the Shower is Exempt (Schedule 1)

- **Clause 12 (Internal Linings):** Covers replacement of floor and wall linings in existing dwellings. Membrane and tile layers form part of the lining system (Determination 2024/054).
- **Clause 35 (Sanitary Plumbing):** An authorised plumber may alter or replace sanitary plumbing fixtures provided fixture count does not increase.
- **Guidance Alignment:** MBIE removed the historical guidance text that previously claimed Clause 12 could not apply to wet-area showers.

Key Exclusions (When Consent IS Required)

- **Structural Framing Modifications:** Cutting floor joists, bearers, or altering load-bearing/bracing wall studs.
- **Net Additional Fixtures:** Adding a shower where no fixture previously existed in the dwelling.
- **Specified Systems** / **Multi-Unit:** Altering inter-tenancy fire separations or shared drainage stacks in multi-unit buildings.
- **Commercial** / **Public Buildings:** Clause 12 is restricted strictly to existing residential dwellings.

CRITICAL DISTINCTION — EXEMPT FROM CONSENT ≠ EXEMPT FROM THE BUILDING CODE:
Under Section 17 of the Building Act 2004, all building work *must* comply with the NZ Building Code regardless of whether a consent is required. All exempt tiled showers must fully satisfy **Clause E3 (Internal Moisture)**, **Clause B2 (Durability — 15 years for concealed membranes)**, and **Clause G13 (Foul Water)**. As highlighted in Determination 2024/054, poor waterproofing or tile execution that allows moisture ingress is an active breach of Clause E3.