

23 June 2025

Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
Wellington

Dear members of the Transport and Infrastructure Committee

Submission from the Manawātū District Council on the Building and Construction (Small Stand-alone Dwellings) Amendment Bill

The Manawātū District Council (MDC) thanks the Transport and Infrastructure Committee for the opportunity to submit on the Building and Construction (Small Stand-alone Dwellings) Amendment Bill (“the Bill”).

As noted in our submission on the discussion document titled “Making it easier to building Granny Flats”, MDC disagrees with Government’s suggestion that regulatory compliance costs for consenting and building area contributing in any significant way to increased housing costs. MDC is still of the opinion that rather than focussing on a faster building consent system, this review should be focusing on a quality system, including by addressing sub-standard or incomplete building consent applications.

Despite these reservations, this submission focusses on what MDC sees as being necessary improvements to this Bill to ensure that it is workable, and does not add significantly to the regulatory burden, or liability risks on Council.

Project Information Memorandum and payment of Development & Financial Contributions

MDC supports the submission prepared by Taituarā and agrees with the key submission points therein. In particular, MDC agrees that unless the requirement to obtain a Project Information Memorandum (PIM) is made compulsory, there is no mechanism by which territorial authorities can levy development contributions (and/or financial contributions) and to advise whether the land is subject to natural hazard.

MDC also agrees with Taituarā that it is not clear why the Bill proposes to reduce the time allowed for a territorial authority to issue a PIM from the standards 20 working days, to 10 working days. Without clear rationale for prioritising PIMs for small stand-alone dwellings over other building applications, this change is not supported by MDC.

MDC also agrees that the payment of Development Contributions or Financial Contributions should be tied to the issuing of the PIM, rather than at the completion of the building work. As outlined in Taituarā’s submission, there is no obligation for an owner to complete the

building work, and the onus should not be on the territorial authority to monitor the completion of work they have no control over.

Territorial Authorities should be exempt from Civil Liability

MDC shares Taituarā's concerns regarding the current narrow scope around civil liability under clause 22 of the Bill (new section 392A). MDC agrees that rather than specifying that territorial authorities will have no civil liability in relation to any advice they provide, this should be expanded to protect the territorial authority for everything in relation to non-consented small stand-alone dwellings. MDC agrees that this change is appropriate given the narrow role of territorial authorities with respect to small stand-alone dwellings constructed under the provisions of this bill.

Lodgement of the record of works with the territorial authority

MDC also supports Taituarā's recommendation that the Licensed Building Practitioner be made responsible for lodging the record of works with the territorial authority. The \$1,000 penalty for non-submission is not sufficient to guarantee submission.

Characteristics of a small stand-alone dwelling

Schedule 1A must be amended to more specifically characterise a small stand-alone dwelling as a single small stand-alone dwelling that is being added on a site with an existing residential unit. We understand that the intent is not to provide for multiple stand-alone dwellings on a single property, or to provide for 'tiny homes' that are not otherwise linked to a primary residential unit.

Exemptions to minimise risks

MDC agrees with the recommendation from Taituarā that the list of limitations in Schedule 1A needs to be expanded to not only include sites subject to natural hazards, but also to include:

- Ground conditions.
- Wind loads
- Ground slope
- Specific engineering design of structural components unless carried out by a CPEng
- Limitation of eaves size (since this is not included in net floor area); eaves should be a maximum of 600mm and a minimum of 300mm

Alignment with the NES for "Granny Flats"

MDC notes that government is consulting on national direction under the Resource Management Act that proposes to make it easier for families to build a granny flat of up to 70 square metres through a proposed National Environmental Standard for Granny Flats. It is concerning that the NES for Granny Flats is not entirely consistent with this draft Bill.

MDC recommends that government urgently address these inconsistencies, including through:

- Ensuring consistent use of terminology (small stand-alone dwellings vs minor residential unit)
- Clear relationship to the principal residential unit on a site
- Clarity around how the maximum floor area is to be calculated
- Clear requirements and definitions around matters such as maximum site coverage, minimum building setbacks and what is meant by “simple design.”

Decision sought:

- That the Transport and Infrastructure Committee support all of the recommendations contained in the submission by Taituarā, and amend the Bill accordingly.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'H. Worboys', with a large loop at the end.

Helen Worboys, JP

Mayor