



Building a sleepout consent-free

From 31 August 2020, a range of new and extended building consent exemptions were added to Schedule 1 of the Building Act, including a range of options for building sleepouts.

SEVERAL OF THE NEW AND EXTENDED exemptions require the assistance of a licensed building practitioner (LBP) to supervise or carry out the design and construction work. This will allow consenting authorities to focus on higher-risk building work. It reflects the expertise that LBPs provide and will help boost their public profile.

The exemptions cover a wide range of building projects in rural and urban areas and include detached stand-alone buildings, porches and verandas, carports and solar panels. Around 9,000 fewer building consents will be needed each year, saving homeowners \$18 million.

Must still meet Building Code and other requirements

A new exemption where homeowners will probably need expert help is the construction of a detached stand-alone building such as a sleepout.

Current building consent exemptions allow for a sleepout up to 10 m² to be built without a building consent. The new exemptions expand this up to 30 m² if the work is carried out or supervised by an LBP. There is also a separate exemption for 30 m² sleepouts if they are built from prefabricated or kitset components designed or had the design reviewed by a chartered professional engineer (CPE).

Sleepouts must still meet the Building Code, and it's important to remember that the building consent process is only one part of the legal requirements for building one. All the usual requirements about durability of materials, district planning, location of services and boundary restrictions still apply. A sleepout must be at least its own height away from a boundary, precluding many suburban homes from building to the maximum 30 m² without consent.



Sleepouts have minimal facilities

The sleepouts included in this exemption are not designed to be lived in exclusively. The facilities of an existing dwelling such as potable water must also be readily available for use in the sleepout.

A sleepout under this exemption is not a tiny house. Homeowners wanting to include toilet or cooking facilities must get building consent.

Win for the LBP Scheme

The sleepout must comply with the Building Code, which is one of the reasons a competent LBP must carry out or supervise the work.

These exemptions put trust in LBPs as competent and professional builders by allowing them to undertake a wider scope of work without building consent or council inspections. This adds value to holding an LBP licence and raises the awareness of the scheme with homeowners.

With rights comes responsibility

This work is not restricted building work because building consent is not required, and you do not have to supply a record of work. You are still professionally accountable for the work, however, so the same standards should be maintained. The oversight of the Building Practitioners Board still applies to these projects, as professional accountability is an important tool to protect consumers.

Rules around plumbing fittings and wiring apply, so plumbing work is not covered and electrical work will need a registered electrician and a certificate of compliance on completion. Fire safety rules mean the sleepout must have smoke alarms. There may be significant stormwater run-off from larger sleepouts, and this must be taken into account.

As a building professional, you may need to highlight these issues to the homeowner as they may have limited knowledge. The Board has made it clear that they expect LBPs to use their professional judgement when undertaking work and to raise issues of non-compliance with the client rather than following their instructions blindly.

Further information

MBIE continues to support industry and the public with fully updated Schedule 1 guidance available at www.building.govt.nz. A new digital

tool to help homeowners determine whether they need building consent is live from October 2020. ◀

Quiz:

1. Do you need to provide a record of work when building a sleepout under the Schedule 1 exemption?
 - a. Yes, if an LBP was required.
 - b. No, a record of work is not legally required as it is not restricted building work.
2. For a sleepout to be eligible under the Schedule 1 exemption:
 - a. It must not contain bathroom or kitchen facilities.
 - b. It can't have a kitchen, but it can have a toilet.
 - c. It can have a kitchenette, but only if a smoke alarm is installed.
3. Why can some of these exemptions only be carried out by LBPs?
 - a. LBPs have been assessed and found competent to do the work.
 - b. LBPs have professional accountability for their work through the Building Practitioner Board.
 - c. LBPs have more knowledge and experience than the average homeowner and can raise concerns if the client wants to build something non-compliant.
 - d. All of the above.

Answers: 1. b 2. a 3. d