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19 June 2025

New Zealand Parliament  
Transport and Infrastructure Committee

Email: [ti@parliament.govt.nz](mailto:ti@parliament.govt.nz)

Dear Sir/Madam

**Waikato Regional Council Submission on the Building and Construction (Small Stand-alone Dwellings) Amendment Bill**

Thank you for the opportunity to submit on the Building and Construction (Small Stand-alone Dwellings) Amendment Bill. Please find attached the Waikato Regional Council's (the council's) submission regarding the Bill. The submission was formally endorsed by the council's Strategy and Policy Committee on 19 June 2025.

Should you have any queries regarding the content of this document please contact Katrina Andrews, Senior Policy Advisor, Strategic and Spatial Planning directly on (07) 8590929 or by email [Katrina.Andrews@waikatoregion.govt.nz](mailto:Katrina.Andrews@waikatoregion.govt.nz).

Regards,

Tracey May  
**Director Science, Policy and Information**

## **Submission from Waikato Regional Council on the Building and Construction (Small Stand-alone Dwellings) Amendment Bill**

### **Introduction**

1. We appreciate the opportunity to make a submission on the Building and Construction (Small Stand-alone Dwellings) Amendment Bill (the Amendment Bill).
2. Waikato Regional Council (the council) supports the intent of the proposed legislative changes relating to small stand-alone dwellings, to increase the supply of small houses and create more affordable housing options and choice.
3. We recognise that the changes proposed to the Building Act 2004 under the Amendment Bill are being progressed concurrently to proposed new National Environmental Standards (NES) for Granny Flats (Minor Residential Units) under the Resource Management Act 1991 (RMA), which are currently being consulted on by the Ministry for the Environment as part of the National Direction Package 1. We highlight the importance of ensuring that the proposals for small stand-alone dwellings under the Building Act and RMA are consistent and work together in an integrated way.
4. Our submission primarily focuses on the interaction between the Amendment Bill and regional plan rules under the RMA, particularly for onsite wastewater disposal. We recommend specific amendments to the Bill to ensure that people looking to construct small stand-alone dwellings are aware of any relevant resource consent requirements relating to onsite wastewater disposal and to include compliance with regional plan wastewater rules as a requirement to qualify for a Building Act exemption.
5. Additionally, we support the inclusion of requirements to ensure that risk from natural hazards is appropriately managed by the Amendment Bill.
6. We provide a table of specific submission points below that identifies recommended amendments to clauses of the Amendment Bill.
7. We look forward to any future consultation process to incorporate the proposed amendments into the relevant statutes and would welcome the opportunity to comment on any issues explored during their development.

### **Submitter details**

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**Table of specific submission points - Waikato Regional Council submission on the Building and Construction (Small Stand-alone Dwellings) Amendment Bill**

Submission point	Clause	Submission	Amendments sought
<i>Interpretation</i>			
8.	Clause 4 - Section 7 amended (Interpretation)	We consider the proposed term “ <b>non-consented</b> small stand-alone dwelling” under the Amendment Bill has potential to cause confusion for system users, as resource consent may still be required for a small stand-alone dwelling under the RMA, if other regional or district plan rules not covered by the proposed NES for Granny Flats apply, or if standards in the proposed NES are breached.	Consider deleting the words “non-consented” from the proposed term “non-consented small stand-alone dwelling”, to avoid confusion for owners in circumstances where a small stand-alone dwelling requires resource consent under the RMA.
<i>Interaction with regional plan rules</i>			
9.	Clause 11 – New section 35A inserted (Additional information to be supplied in certain circumstances)	<p>We understand from the National Direction Package 1 discussion document that it is proposed that regional plan rules would continue to apply to small stand-alone dwellings if the proposed NES for Granny Flats are introduced, which we strongly support. However, while the Amendment Bill requires territorial authorities to identify any bylaws that may affect the design, construction or location of small stand-alone dwellings, it does not contain any mechanisms for territorial authorities to alert owners to relevant RMA resource consent requirements through the Project Information Memorandum (PIM) process.</p> <p>We are concerned that without such a mechanism, owners may not be aware that the construction of a small stand-alone dwelling may potentially trigger the need for resource consent for onsite wastewater discharges, depending on the size and location of the wastewater system already in place for the primary dwelling.</p> <p>To address this, we recommend that a requirement for territorial authorities to identify regional rules relating to onsite wastewater disposal that may affect the design, construction or location of the small stand-alone dwelling be added to proposed section 35A(2)(d).</p>	<p>Amend proposed section 35A(2)(d) as follows:</p> <p>“(d) a description of any bylaws or rules that may affect the design, construction, or location of the <del>non-consented</del> small stand-alone dwelling (for example, bylaws relating to wastewater or stormwater pipes, <u>or regional rules relating to onsite wastewater disposal</u>).”</p>

10.	Clause 15 – New sections 42B and 42C inserted	<p>We recommend that proposed new section 42B(3)(b) be amended to require compliance with regional plan wastewater rules as a condition to qualify for a Building Act exemption under section 42B(1).</p> <p>We consider that reference to regional wastewater rules should be included as these are akin to, and are as essential to being able to safely occupy the house as, permissions relating to sanitary plumbing, drainlaying, electrical work and gasfitting. We consider that adding reference to regional plan wastewater rules in this section will improve clarity for owners looking to construct a small stand-alone dwelling.</p>	<p>Amend proposed section 42B(3)(b) as follows:</p> <p>“(b) all building work (including all design work described in paragraph (b) of the definition of restricted building work in section 7(1)), sanitary plumbing, drainlaying, electrical work, <del>or</del> gasfitting <u>or onsite sewage disposal</u> is carried out in accordance with the requirements of this Act and, where applicable, the Plumbers, Gasfitters, and Drainlayers Act 2006, the Electricity Act 1992, <del>or</del> the Gas Act 1992 <u>or a regional plan under the Resource Management Act 1991</u>, by a person who is authorised to do the work:...”</p>
<i>Natural hazards</i>			
11.	Clause 11 – New section 35A inserted (Additional information to be supplied in certain circumstances)	We support the inclusion of information requirements relating to natural hazards for PIMs for small stand-alone dwellings in proposed new sections 35A(2)(b) and (c).	Retain the inclusion of requirements relating to natural hazards in proposed sections 35A(2)(b) and (c).
12.	Clause 15 – New sections 42B and 42C inserted	We support the condition in proposed section 42B(3)(d) for the exemption of small stand-alone dwellings from requiring a building consent, that the land is not subject to a natural hazard, or where a natural hazard is present, building work is not carried out unless adequate provision has been made to protect the land, building work, or other property from the natural hazard.	Retain proposed section 42B(3)(d).