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DISTRICT COUNCIL

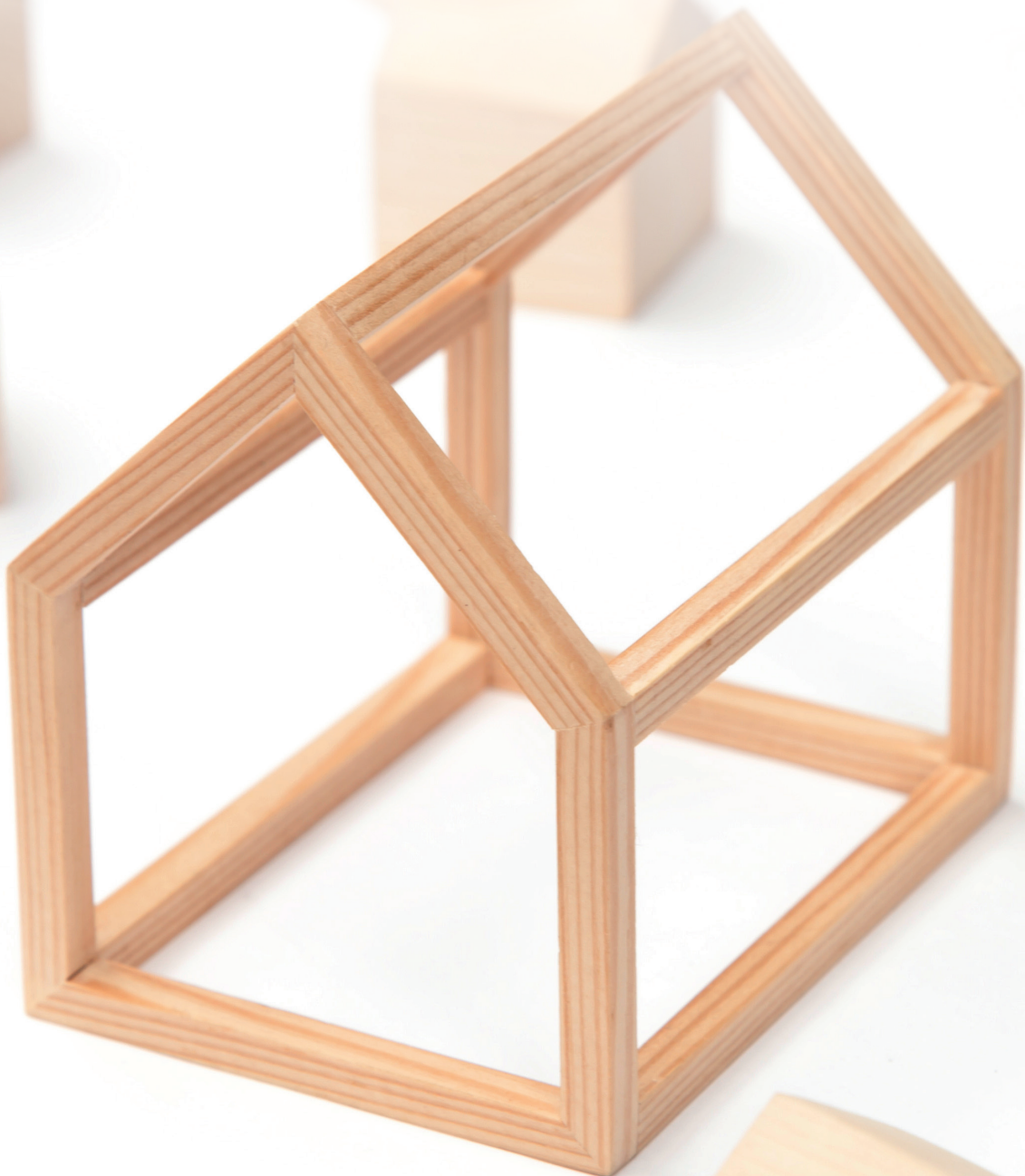


Only Marlborough

INFORMATION SHEET:

Relocatable Accommodation

Tiny Houses and the like



Information Sheet

RELOCATABLE ACCOMMODATION
"TINY HOUSES" AND THE LIKE
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Purpose

Council has prepared this information sheet to give members of the community an understanding of the legal requirements and approach of Marlborough District Council to the construction, renovation and location of relocatable accommodation in Marlborough.

If you are considering constructing or purchasing relocatable accommodation (commonly called a "tiny house" or similar name), Council recommends that you read this information sheet before consulting with your building agent or vendor so that you may better informed as to what questions you should ask.

This information sheet does not constitute legal or planning advice and Council makes no warranty, express or implied, nor assumes any legal liability or responsibility for the accuracy, correctness, completeness or use of any information that is provided nor represents that its use would not infringe on privately owned rights. You are always recommended to take specific advice for your project as each construction and location varies. You may also wish to make an appointment with the Duty Building Officer and Duty Planner to discuss your proposal.

When attending these appointments you should have as much detail as possible with you for this appointment as to what the accommodation will be, where it will be sited, how the plumbing, electricity, decking or foundations (if any) will be constructed.

To make an appointment with the Duty Building Officer refer to:

www.marlborough.govt.nz/services/building-consents/duty-building-officer/?ed-step=1

To make an appointment with the Duty Planner refer to:

www.marlborough.govt.nz/services/resource-consents/duty-planner-service-information/?ed-step=1

What are "Tiny Houses" or Relocatable Accommodations?

Buildings constructed as relocatable accommodation are often referred to 'tiny houses' or something similar.

They are becoming increasingly popular, and are often featured in media and on television as eco-friendly and budget-friendly alternatives to traditional housing. They are usually purpose built or modified buildings to provide extra family accommodation, residential accommodation (including rental accommodation) or holiday accommodation, whether temporary or permanent or never used for overnight accommodation.

Relocatable accommodation may be purchased from a diverse range of vendors or constructed by you.

They include:

- (a) Converted shipping containers;
- (b) Modular structures (for example Portacom type buildings);
- (c) Purpose built constructions;
- (d) Converted out-buildings (for example garages, sheds); and
- (e) Campervans, caravans etc

It is important to note that, if relocatable accommodation is constructed or modified outside of the Marlborough region, it will be subject to a slightly different approach by the Building Group. For this reason, the Guide Table at the end of this information sheet addresses separately the requirements for buildings constructed within Marlborough to those constructed elsewhere.

Building Act 2004 – Building Consent Requirements

The Building Act 2004 applies to all building work and related infrastructure (for example plumbing and foundations). The purpose of the Act is to ensure that buildings are safe and adequately constructed for the use for which they are intended and the location in which they will be sited.

Is my relocatable accommodation a house or a vehicle?

The Building Act 2004 applies to all buildings whether temporary, permanent or relocatable. The term of 'building' is defined in the Act and does not include vehicles that are moveable and are not occupied on a permanent or long-term basis.

This has, in the past, been the cause of some confusion as some relocatable accommodation shares the features of vehicles or may have had a feature added to give the impression it is a moveable vehicle. Equally there is confusion where a vehicle becomes a 'building' under the BA04. This occurs when the vehicle has undergone some alteration that causes it to no longer be a vehicle or motor vehicle (including a vehicle or motor vehicle as defined in section 2(1) of the Land Transport Act 1998) and it is:

- Is immovable; and
- Is occupied by people on a permanent or long-term basis.

An alteration could be to the vehicle itself or work that causes it to become fixed to the site by plumbing, foundations or decking or some other alteration. Generally speaking, the test now applied by the Ministry of Business, Innovation and Employment (MBIE) is whether the relocatable accommodation is designed for road use and can be towed successfully on a road.

Simply because a structure is capable of being moved does not mean that it falls to be considered a vehicle under the Building Act. Whether a building is a vehicle will involve a case by case assessment and, as a purchaser or someone looking to construct a relocatable accommodation, it is important to be careful that all the features are in place if you wish to claim that it is a vehicle.

If you believe your relocatable accommodation is a vehicle for the purposes of the Building Act and Council does not, you may apply for a Determination from MBIE. MBIE will decide if the relocatable accommodation is a vehicle or a building. If Council issued you a Notice to Fix prior to you applying for a determination Council will not be able to take any further action until the determination is made.

It is important to be aware that even if your relocatable accommodation is a vehicle it may still be considered a residential unit or dwelling under the Resource Management Act 1991.

What work does the Building Act cover?

The Building Act requires building consents for any building work, including:

- (a) Construction of new buildings;
- (b) Most renovation work on existing buildings;
- (c) Construction or alteration of existing foundations;
- (d) Installation or alteration of existing drainage;
- (f) Connection to services;
- (g) Relocation of an existing building in a new location;
- (h) Sitework;
- (i) Alterations to shipping containers so they may be used for something other than storage (for example as a relocatable accommodation); and
- (h) Change of use of an existing building (including those which were previously exempt under Schedule 1).

You will require a building consent for any of the above for your relocatable accommodation.

If you are buying an existing building that does not have a building consent or you have constructed a building without a building consent it may be possible to apply for a Certificate of Acceptance under the Building Act. A Certificate of Acceptance allows the Council to review the work that was undertaken and, if it meets the requirements of the Building Code, issue a certificate confirming that it does.

Some building work is exempt from requiring a building consent. Section 41 and Schedule 1 of the Building Act identifies exempt work

What about homes that are constructed outside of New Zealand?

A fully constructed building that does not need 'putting together' will not require a building consent itself. A building consent will be required however for any associated work with the foundations, services, fixings etc.

If the building has some assembly required then a building consent for the assembling within New Zealand will likely be required.

What will Council do if my relocatable accommodation does not have a building consent, exemption or a Certificate of Acceptance?

Council's process depends upon whether the building work was undertaken in Marlborough or outside of the Marlborough region. For work within the Marlborough region, Council requires:

1. A Certificate of Acceptance for unconsented work that required a building consent.
2. A Building Consent for any upgrade work required to enable the building to meet the Building Code requirements.
3. A Building consent for any new work related to foundations and/or services and any other electrical work that is required in relation to the exempted work.
4. Where an owner does not achieve (a) to (c) above (as applicable), Council will require removal of the house from the property by issuing a Notice to Fix under the Building Act.

For work constructed outside the Marlborough region, (a) to (d) above will also apply however it is not Council's responsible but rather the Building Authority where the work was undertaken. Marlborough's Building Authority may choose to alert that other Building Authority and that other Building Authority may elect to issue a Council may issue a Notice to Fix in respect of the work undertaken within its region.

How will Council know about my house?

Council typically becomes aware of relocatable accommodation when it receives a complaint from persons in the community, or when it receives an application or inquiry from a relocatable accommodation owner or builder. At that point, Council must apply the requirements discussed in this information sheet to that relocatable accommodation.

Is a building consent required for a composting toilet?

Some composting toilets usually do not need a building consent as they do not have plumbing or a building associated with them that requires consent (for example they are located in a small outhouse). However, they do need to comply with the Building Code and the designer of the composting toilet must demonstrate this.

Does the Building Act require special insulation in relocatable accommodations?

Buildings used for accommodation are required to be insulated to the standard required in the NZ Building Code. Installing wall insulation requires a building consent, other insulation may not.

The requirements for energy efficiency (H1) under the NZ Building Code only apply where the energy is sourced from a network utility operator (i.e. a power company) or is from a depletable energy source (e.g. LPG, diesel etc.). If H1 does not apply, then the insulation can be to a lower standard but still must be sufficient to prevent condensation.

There may also be requirements regarding insulation if the relocatable accommodation will be rented out. Be sure to check the www.tenancy.govt.nz/maintenance-and-inspections/insulation/

Are there some exceptions for stairs and barriers in relocatable accommodations?

Stairs and barriers require a Building Consent to construct or change. They often do not comply with the Building Code in relocatable homes because of the novel way stairs are constructed in small spaces. You should carefully check the requirements before commencing the work, applying for Building Consent or purchasing your relocatable accommodation.

Does the Building Act apply to any connections of services that I need?

Whether your relocatable home is a building or a vehicle, if you connect it to public services to receive a water supply or to discharge grey or black (including sewerage) water. The services themselves and the connections will need to comply with the Building Code and will require a building consent.

Sometimes you may not want to connect to public services or may not be allowed to by Council (for example high pressure sewerage systems). If you do not connect to public services (for example collect your own rainwater or install your own discharge system) you will need a building consent for the construction of that work.

Does the Building Act apply to any power connections?

The Building Code provisions for electricity (G9) are primarily based on any electrical installation being safe. This also applies to gas (G11 of the Building Code). Electricians and gasfitters are self-certifying. This applies whether you are connecting to your own power/gas system or to a public power/gas system.

You should check with the local provider (including lines) provider to ensure there are no additional or essential requirements that you should include in your design to ensure you may connect to the public services. There can be requirements under an ECP34 safety notice to consider.

Do I need to apply for a building consent separately for each type of work?

If all of the work you intend to do is being carried out as one project then you can apply for one building consent to cover all of the work.

Resource Management Act 1991 – Resource Consent Requirements

The Resource Management Act 1991 sets expectations around how communities may interact with their environment. It also requires councils to prepare plans to further manage activities carried out in its region in a way that identifies, avoids, remedies or mitigates the adverse effects of those activities on the environment.

Our plans require that residential activity takes place within a building. Further how many buildings (dwellings) are allowed on each property depends upon the zone rules for that area. On most occasions it is one dwelling per property. A sleep out (with bedroom features only) would be considered part of the home even if it is a separate building. Relocatable accommodations usually have additional features to sleeping (kitchen, bathroom etc) and are not likely to be considered sleep outs.

Is a Resource Consent required to site my relocatable home on my land?

1. A Land Use Resource Consent will generally be required if the relocatable accommodation is:
 - (a) Not in a residential zone; and/or
 - (b) Is a second residential unit on the same site; and/or
 - (c) Is subject to site specific restrictions (hazards, coastal location etc); and/or
 - (c) Does not comply with the bulk and location standards.
 - (d) Is to provide visitor accommodation and:
 - (i) is for more than 5 people;
 - (ii) is in a zone where visitor accommodation is not permitted; or
 - (iii) despite being a permitted activity in that zone cannot comply with the associated standards.
2. A Discharge to Land Resource Consent will be required for the discharge of grey and black water if not connected to public services.
3. A Water Permit to Take and Use Water will be required if water is not connected to public supply.

Before purchasing or constructing your relocatable accommodation, you should consult the Marlborough District Council Resource Management Plan to check whether a resource consent is also required: www.maps.marlborough.govt.nz/onlineplan/

Development Contributions

What are development contributions?

A development contribution is a charge issued by Council to assist with the development of public infrastructure to meet the growing community needs. It includes for example, stormwater, wastewater, transport and reserves.

How often is it charged and when do I pay it?

Development contributions are charged only once, and apply to new and additional development. The siting of a relocatable home on a previously vacant lot would attract a charge as would the siting of a relocatable home on a lot with an existing home. Where there is existing infrastructure the development charge may be less.

A charge will be raised when the resource consent, building consent, certificate of acceptance or an authorisation for a service connection is granted.

How much will the charge be?

The cost will depend on the location of the development and the infrastructure already in place on the pressure or demand on that infrastructure now and in the future (as reasonable anticipated by Council)

Relocatable accommodation often receives an adjustment which reduces the charge as the charge is calculated on bands of gross floor area.

If the relocatable accommodation is providing its own infrastructure, and as a result places no demand on Council infrastructure, a development contribution will not likely be required for that part of the activity i.e. if a residential unit will not connect to the Council's stormwater or wastewater networks a development contribution will only be required for the reserves, water supply and transport activities.

Other Charges

How will my rates be charged?

If you locate your residential accommodation on a site that was previously vacant, add it to a site that has an existing residential unit or modify an outbuilding on a site to enable accommodation there will be a change to the rates that are levied on the property.

If the accommodation is to provide visitor accommodation for 6 or more people then an increase in rates will be likely.

It is important to check with Council when making your plans to determine how the rates will be calculated and to enquire if there is any rates remission that you may be entitled to.

If I rent my relocatable home through Air BnB or other holiday accommodation websites -

If you choose to let your relocatable home to visitors a Tourism Charge is levied by Council once it becomes aware of the advertising of accommodation for visitors to Marlborough. This is an annual charge which is levied through the rates for Destination Marlborough to assist in their services in promoting Marlborough as a tourist destination.

Guide

Table: Relocatable Accommodation constructed within New Zealand

User Notes: *When using this guide firstly consider whether the structure is a 'building' or a 'vehicle' under the Building Act 2004. Vehicles are not subject to Building Act requirements (provided that they are moveable and are not occupied on a permanent or long-term basis), although the services they connect to must still comply with the Building Code.

*When accommodation is supplied by a vehicle that is not a building for the purposes of the Building Act, (for example caravan or RV that is drivable or towable on the road) it may still require resource consents with respect to services (for example, a water take and/or discharge consent)

RELOCATABLE ACCOMMODATION TYPE	BUILDING ACT REQUIREMENTS	RESOURCE CONSENT REQUIREMENTS	OTHER REQUIREMENTS
Constructed, or constructed and renovated within the Marlborough Region	<p>Building Consent required for:</p> <ul style="list-style-type: none"> Construction of the building Conversion or renovation work on an existing building Construction/alteration of foundations Installation/alteration of drainage & plumbing Connection to services Relocation to a new site Change of use of an existing building Wall Insulation 	<p>Land Use Resource Consent required if relocatable accommodations is:</p> <ol style="list-style-type: none"> Not in a residential zone; Is a second residential unit on the same site; Is subject to site specific restrictions (hazards, coastal location etc) Does not comply with the bulk and location standards of buildings. Is visitor accommodation in a zone where such is not permitted, is for more than 5 people or cannot comply with the permitted Homestay standards. <ol style="list-style-type: none"> Discharge to Land Resource Consent is required for grey and black water if not connected to public services. Water Permit to Use and Take Water if water is not connected to public supply. Other related works for example, vegetative clearance, excavation, land contouring, works near or in a riverbed 	<p>Rates levied may vary (if accommodating 6 or more paying guests, renting as a residential rental or being used as a second residential accommodation on the same site as another residential accommodation).</p> <p>Tourism Rate may apply (if renting for tourism accommodation)</p> <p>Development Contribution Charge may apply (if connecting to services).</p>
Constructed, or constructed and renovated outside the Marlborough Region	<ol style="list-style-type: none"> Certificate of Acceptance, proof of exemption or proof of Building Consent from region where work undertaken is required. If not provided that Building Authority will be notified. Building Consent from Marlborough District Council required for the following work if undertaken within Marlborough: <ul style="list-style-type: none"> Construction of the building, conversion or renovation work on an existing building Construction/alteration of foundations and fixings Installation/alteration of drainage & plumbing Connection to services Relocation to a new site Change of use of an existing building Wall Insulation 	<ol style="list-style-type: none"> Land Use Resource Consent required if relocatable accommodations is: <ol style="list-style-type: none"> Not in a residential zone; Is a second residential unit on the same site; Is subject to site specific restrictions (hazards, coastal location etc) Does not comply with the bulk and location standards of buildings. Is visitor accommodation in a zone where such is not permitted, is for more than 5 people or cannot comply with the permitted Homestay standards. Discharge to Land Resource Consent is required for grey and black water if not connected to public services. Water Permit to Use and Take Water if water is not connected to public supply. Other related works for example, vegetative clearance, excavation, land contouring, works near or in a riverbed (including all waterways and wet lands) that are not permitted activities in the plans. 	<p>Rates levied may vary (if accommodating 6 or more paying guests, renting as a residential rental or being used as a second residential accommodation on the same site as another residential accommodation).</p> <p>Tourism Rate may apply (if renting for tourism accommodation)</p> <p>Development Contribution Charge may apply (if connecting to services).</p>

RELOCATABLE ACCOMMODATION TYPE	BUILDING ACT REQUIREMENTS	RESOURCE CONSENT REQUIREMENTS	OTHER REQUIREMENTS
Relocatable Accommodation that is a 'vehicle'.	<p>(1). The Building Code applies to any services connections that the vehicle attaches to when on site and a Building Consent or Certificate of Service may be required for the following:</p> <p>(a) potable and general water supply;</p> <p>(b) grey and black water drainage; and</p> <p>(c) power supply.</p>	<p>(1). Land Use Resource Consent required if relocatable accommodations is:</p> <p>(a). Not in a residential zone;</p> <p>(b). Is a second residential unit on the same site;</p> <p>(c). Is subject to site specific restrictions (hazards, coastal location etc)</p> <p>(d). Is visitor accommodation in a zone where such is not permitted, is for more than 5 people or cannot comply with the permitted Homestay standards.</p> <p>(2). Discharge to Land Resource Consent is required for grey and black water if not connected to public services.</p> <p>(3). Water Permit to Use and Take Water if water is not connected to public supply.</p> <p>(4). Other related works for example, vegetative clearance, excavation, land contouring, works near or in a riverbed (including all waterways and wet lands) that are not permitted activities in the plans.</p>	<p>Rates levied may vary (if accommodating 6 or more paying guests, renting as a residential rental or being used as a second residential accommodation on the same site as another residential accommodation).</p> <p>Tourism Rate may apply (if renting for tourism accommodation)</p> <p>Development Contribution Charge may apply (if connecting to services).</p>