

# GUIDE TO OPTIONS FOR BUILDING INTENSIFICATION

SEPTEMBER 2020



<b>Building options</b> <i>Assumed, for the purposes of this guide, that all the building options listed below will involve "building works".</i>	<b>Building Consent required?</b>	<b>General "Building Act" and New Zealand "Building Code" requirements</b> The information below is for general advice only, is not intended to list every single statutory requirement or obligation. Items to consider <b>include</b> , but are <b>not</b> limited to:
<b>Sub-divide an existing dwelling:</b> <ul style="list-style-type: none"> <li>• Horizontal separation only (e.g. at first floor level); or</li> <li>• Vertical separation only (e.g. divide single storey building into two separate household units); or</li> <li>• Both vertical and horizontal separations (e.g. divide existing two storey dwelling both at first floor level, and divide both or either stories into separate units).</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• New internal fire separation between the separate units 'vertically' (e.g. using the existing wall framing where possible, apply fire rated linings to both sides).</li> <li>• New internal fire separation between the separate units 'horizontally' (e.g. using the existing first floor construction, apply fire rated lining to the underside of the floor joists).</li> <li>• Internal and external access arrangements to the separate units (that don't compromise the fire separation requirements).</li> <li>• Install additional fire detection (e.g. smoke alarms).</li> <li>• Possible new plumbing and drainage works for any new sanitary facilities to be installed.</li> <li>• Possible new laundering facilities.</li> <li>• Possible new kitchen/ food preparation area.</li> <li>• Provision of airborne and impact sound separations.</li> </ul> <p><i>Note: New titles will require separation of all internal services on each property; external services (i.e. drainage) also unless easements are nominated.</i></p>
Convert existing <b>attached garage</b> into a separate household unit*	Yes	<ul style="list-style-type: none"> <li>• New internal fire separation between the garage and the existing dwelling (e.g. using the existing wall framing where possible, apply fire rated linings to both sides) where they are not adequately separated by distance.</li> <li>• Install additional fire detection (e.g. smoke alarms).</li> <li>• Possible new plumbing and drainage works for any new sanitary facilities installed in the converted garage.</li> <li>• Provision of airborne and impact sound separations.</li> <li>• Possible new laundering facilities.</li> <li>• Possible new kitchen/ food preparation area.</li> <li>• Energy efficiency addressed by providing insulation.</li> <li>• Ground clearances are applicable (E1 Surface water).</li> </ul>





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Convert existing <b>detached garage</b> into a household unit*	Yes	<p>The installation of a kitchen, new plumbing and drainage, any new internal walls, linings and thermal insulation to external walls etc. are all building works that may require a Building Consent. An Owner will also need to consider how the building is currently braced (if any), as additional structural bracing may be required. Most detached garages would have been originally designed as importance level one [IL1] structures (i.e. small non-habitable buildings). If the garage is to be occupied as a habitable building then consideration will need to be given to it as an IL2 structure.</p> <p>All new building works must comply with the provisions of the Building Code.</p> <p>As an alteration to an existing building it will need to comply as nearly as is reasonably practicable with the provisions of the New Zealand Building Code that relates to the means of escape from fire. E.g. additional smoke alarms required.</p> <p>Another consideration is the current condition of the existing garage? It would be prudent, and recommended, for the Owner to engage the services of a competent person (e.g. Builder, Engineer, or Designer) to action a 'condition survey' to ensure the building is appropriate for conversion, and to identify if any additional remedial building works may be necessary (e.g. any replacement or repairs to cladding materials, or structural framing etc.).</p> <p><i>Note: any design changes related to a dwelling that require a building consent is restricted building work requiring Licensed Building Practitioners (LBPs), unless an 'Owners exemption' is applied for.</i></p>
Convert existing <b>outbuilding</b> (e.g. shed) or <b>ancillary building</b> (e.g. storage tank) into a detached dwelling	Yes	<p>Consideration must be given to such Building Code clauses that are applicable for a dwelling that were not applicable before.</p> <ul style="list-style-type: none"> <li>• Means of escape from fire.</li> <li>• Protection of other property (e.g. may include requirement for an external fire separation, depending on the distance to a relevant boundary).</li> <li>• Sanitary facilities.</li> <li>• Structural performance.</li> <li>• Fire-rating performance.</li> <li>• Refer to notes above regarding detached garages.</li> </ul>



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Close in an existing <b>carport</b> and convert into a separate household unit	Yes	Consideration must be given to such Building Code clauses that are applicable for a dwelling that were not applicable before. <ul style="list-style-type: none"> <li>• Means of escape from fire.</li> <li>• Protection of other property (e.g. may include requirement for an external fire separation, depending on the distance to a relevant boundary).</li> <li>• Sanitary facilities.</li> <li>• Structural performance.</li> <li>• Fire-rating performance</li> </ul>
Construct a <b>new building</b> (e.g. second dwelling on a single property), where another building already exists	Yes	Full set of design plans, reports and specifications to accompany an application for a building consent.
Construct <b>more than one new building</b> on the same property (e.g. construct two new buildings under the same building consent)	Yes	Full set of design plans, reports and specifications to accompany an application for a building consent.
Place (*) a <b>"tiny home"</b> on a property (e.g. for the purposes of a second dwelling)	Yes	<p>*Simply placing or locating a pre-fabricated "tiny home" on the ground is not building work that requires a building consent.</p> <p>A building consent would be required to establish foundations or other building works which are not exempt under Schedule 1 of the Building Act. For example, constructing on-site wastewater systems, establishing drains or other structures connected to the "tiny home".</p> <p>A "tiny home" is considered to be a <i>building</i>, for the purposes of a Building Act, if it's both <i>immovable and is occupied by people on a permanent or long term basis</i>.</p>
<b>Change of use</b> of an existing building, or part thereof, not normally associated with housing (e.g. workshop, offices, shop etc.) into a dwelling	Yes	If being altered to be used for any other purpose (e.g. as a dwelling, or part thereof), it requires the Owner to notify Council of a "change of use". Will therefore need to consider (as a minimum): <ul style="list-style-type: none"> <li>• Means of escape from fire.</li> <li>• Protection of other property (e.g. may include requirement for an external fire separation, depending on the distance to a relevant boundary).</li> <li>• Sanitary facilities.</li> <li>• Structural performance.</li> <li>• Fire-rating performance (e.g. may include requirement for an additional internal fire separation, for instance, between a proposed new flat above an existing shop etc.).</li> </ul>

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<p><b>Extend and alter an existing dwelling, or other building, (i.e. increase the footprint area) to create a separate household unit(s).</b></p> <ul style="list-style-type: none"> <li>• Extension at ground floor level only; or</li> <li>• Extension to incorporate a second or third floor only onto an existing one or two storey building; or</li> <li>• Both of the above at the same time.</li> </ul>	<p>Yes</p>	<p>As an alteration to an existing building, or change of use, it will need to comply as near as reasonably practicable with the provisions of the New Zealand Building Code that relates to the means of escape from fire. E.g. additional smoke alarms required, checks to make sure the maximum dead end open path length and total open path are not exceeded (25m and 60m for risk group SH*) [these lengths can be increased if an interconnected smoke alarm is installed [to NZS 4514], and/or a sprinkler system].</p> <p>All new building work must comply entirely with the building code.</p> <p>Consideration will also need to be given to effects on the existing structure. E.g. assess if the existing structure is capable of taking the increased dead and live loads from an additional storey being added on top of it, plus additional bracing requirements if the extension is at ground floor level etc.</p> <p>Any extension is also likely to involve significant changes to the internal (above ground) plumbing, and below ground drainage. The Owner will also need to consider whether it's preferable to connect into any existing drainage scheme, or make a separate connection to avoid any issues over ownership and maintenance.</p> <ul style="list-style-type: none"> <li>• New internal fire separation between the separate units 'vertically' (e.g. using the existing wall framing where possible, apply fire rated linings to both sides).</li> <li>• New internal fire separation between the separate units 'horizontally' (e.g. using the existing first floor construction, apply fire rated lining to the underside of the floor joists).</li> <li>• Internal and external access arrangements to the separate units (that don't compromise the fire separation requirements).</li> <li>• Install additional fire detection (e.g. smoke alarms).</li> <li>• Possible new plumbing and drainage works for any new sanitary facilities to be installed.</li> <li>• Possible new laundering facilities.</li> <li>• Possible new kitchen / food preparation area.</li> <li>• Provision of airborne and impact sound separations.</li> </ul> <p><i>Note: New titles will require separation of all internal services on each property; external services (i.e. drainage) also unless easements are nominated.</i></p>

\*SH (use of the building under the Building (Specified Systems, Change the Use, and Earthquake Prone Buildings) 2005.



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<b>Shipping containers</b> (i.e. change of use and conversion / alteration into a dwelling)	Yes	<p>Shipping containers are buildings (unless they're used as containers defined in Regulations made under the Health and Safety at Work Act 2015).</p> <p>Ordinarily used for the storage and transportation of goods and materials.</p> <p>Simply placing a shipping container on land is not building work.</p> <p>If being altered to be used for any other purpose (e.g. as a dwelling, or part thereof), it requires the Owner to notify Council of a "change of use". Will therefore need to consider (as a minimum):</p> <ul style="list-style-type: none"> <li>• Means of escape from fire.</li> <li>• Protection of other property.</li> <li>• Sanitary facilities.</li> <li>• Structural performance.</li> <li>• Fire-rating performance.</li> </ul>
<b>Relocated buildings</b> (not pre-fabs)	Yes	<p>Assuming the relocated building itself is unaltered, the building consent would ordinarily be required just for:</p> <ul style="list-style-type: none"> <li>• Foundation design.</li> <li>• Potable water supply.</li> <li>• Surface water and foul water drainage system (either reticulated or to an on-site wastewater system).</li> </ul> <p>If, however, the relocated building is being altered (e.g. new internal walls, or reconfiguring of existing ones etc.), then the Building Consent application may need to include plans and specifications that detail those changes.</p> <p>In conjunction with the Building Consent application, Council also requires a 'condition report' for the existing building to be provided by a competent person (e.g. LBP Designer, Building Surveyor, Engineer, or LBP Builder). Note, a 'condition report' is required by Tasman District Council, not Nelson City Council. The information that Tasman District Council requires can be obtained from the following link: <a href="http://www.tasman.govt.nz/my-property/building-and-alteration/building-consents/how-to-apply-for-a-building-consent/gather-your-information/relocated-buildings-or-constructed-using-second-hand-materials">www.tasman.govt.nz/my-property/building-and-alteration/building-consents/how-to-apply-for-a-building-consent/gather-your-information/relocated-buildings-or-constructed-using-second-hand-materials</a></p>



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<b>Mobile homes/ caravans / campervans / house trucks</b>	?	<p>In the ordinary course of events, a vehicle is not a building. However, from a Building Act perspective, a 'building' includes a vehicle or motor vehicle that is immovable and is occupied by people on a permanent or long-term basis.</p> <p>Simply placing a mobile home / caravan / campervan / house truck on land is not building work.</p> <p>A building consent is required for other building works which are not exempt under Schedule 1 of the Building Act. For example, constructing on-site wastewater systems, or other structures that may be connected to the mobile home / caravan / campervan / house truck etc.</p> <p>This is a complex issue to understand, and previous determinations by MBIE have considered a range of scenarios that will be of some assistance. These can be accessed using the following link: <a href="http://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued">www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued</a> [Type in "vehicle" in the search option].</p> <p>MBIE have also produced a decision tree (copied below) to assist anyone when considering if a particular 'vehicle' needs to be considered as a 'building' for the purposes of the Building Act.</p>

**Is it a vehicle or a moveable structure?** Things to consider:

- Is it equipped with wheels, tracks or revolving runners on which it moves or is moved?
- Is it used for transporting people or goods?
- Is it drawn or propelled by mechanical power?
- What is the superstructure made up of?
- Whether structures have been attached to it, such as decks, verandas or additional rooms.

**No, it is not a vehicle**

**A moveable structure falls under the general definition of a building under section 8(1)(a).**

**Yes, it is a vehicle**

**Does the structure meet the criteria in section 8(1)(b)(iii)? Is it immovable?** Consider:

- Whether it is attached to the ground and how easily those attachments can be removed;
- It has been connected to services and how easily those can be removed;
- It has retained its wheels and the ability to be towed or to move itself.

**Is it occupied by people on a permanent or long-term basis?** Consider:

- Whether there is an intention of an indefinite period of occupancy;
- Whether there is a definite or intended period of occupancy;
- Whether occupation is intermittent, occasional, continuous or cyclical.

**No, it does not meet either criterion**

**If it only meets one criteria**

**It is not a building under section 8(b)(iii).**

**Yes, it is both immovable and occupied by people on a permanent or long-term basis**

**It is a building under section 8(1)(b)(iii).**



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<b>Pre-fabricated buildings</b>	Yes	<p>The building consent would ordinarily be required for:</p> <ul style="list-style-type: none"> <li>• Foundation design.</li> <li>• Potable water supply.</li> <li>• Surface water and foul water drainage system (either reticulated or to an on-site wastewater system).</li> </ul> <p><i>See the link below regarding off-site fabrication.</i></p> <p>Council will also require a copy of the Code Compliance Certificate (CCC), if one exists, from the issuing authority where the pre-fabricated building was constructed (under a separate Building Consent). Note, this is a requirement of Tasman District Council, not Nelson City Council.</p> <p>For pre-fabs built overseas see: <a href="http://www.building.govt.nz/projects-and-consents/apply-for-building-consent/support-your-consent-application/off-site-construction">www.building.govt.nz/projects-and-consents/apply-for-building-consent/support-your-consent-application/off-site-construction</a></p> <p>Recent determinations from MBIE can also assist e.g. 2018/041 and 2016/039.</p>
<b>Yurts</b>	Yes	Full set of design plans, reports and specifications





## NOTES

1. It's the strong *recommendation* of Council that if an Owner is considering any of the options listed above, that they seek the professional advice from a competent Designer, Engineer, Builder etc. to assist with development of ideas, discuss regulatory requirements, and help with the drafting of appropriate plans, reports and specifications in support of a Building Consent application. This does not preclude, however, any Owner who wishes to do their own design and/or building works themselves.
2. It's **not** the intention of this guide to list every single building option available. There are always going to be alternatives, that may not fit neatly into any one of the categories listed above, because an Owner is considering something else altogether. If that is the case, we recommend the Owner contacts Council first to discuss any regulatory requirements.
3. This guide only provides general advice on matters related to the Building Act 2004 and New Zealand Building Code. It does not, nor is it intended, to cover every possible scenario or compliance pathway possible, including every relevant Building Code clause that may apply for any particular situation.
4. The guide does **not** address other legislative requirements that may be impacted on by the proposed building works [e.g. Resource Management Act 1991 and associated Tasman Regional Management Plan (TRMP)], including issues associated with separate unit titles.
5. It's acknowledged that if an Owner is considering any of the options above, that this may involve the **demolition** of the whole, or part, of an existing building on a property first. The demolition part of the building works *may* not require a Building Consent. MBIE have provided guidance on this, and website links have been provided below:

### Demolition of a detached building:

[www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/part-1-exempted-building-work/30-demolition-detached-building](http://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/part-1-exempted-building-work/30-demolition-detached-building)

### Demolition of a building element:

[www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/part-1-exempted-building-work/31-removal-building-element](http://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-consent-exemptions-for-low-risk-work/schedule-1-guidance/part-1-exempted-building-work/31-removal-building-element)

## DEFINITIONS

\***Household unit** – [Section 7, Building Act 2004]

- Means a building, or group of buildings, or part of a building or group of buildings, that is:
  - » used, or intended to be used, only or mainly for residential purposes; and
  - » occupied, or intended to be occupied, exclusively as the home or residence of not more than one household; but
  - » does NOT include a hostel, boarding house, or other specialised accommodation.



Feel free to contact us:



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