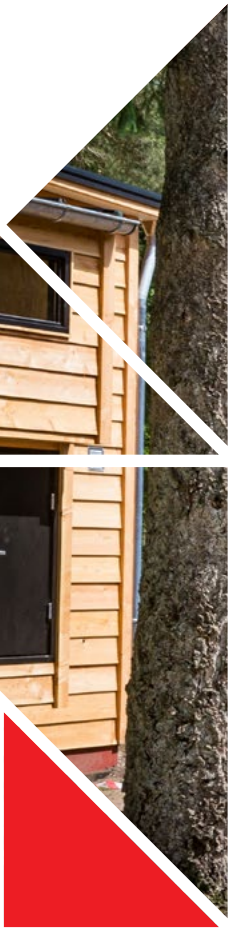


ISSUE 683 **BULLETIN**



THE RULES FOR SLEEPOUTS THAT DON'T NEED A BUILDING CONSENT

March 2023

- This bulletin explains the rules that a sleepout must comply with to be built without needing a building consent.
- The bulletin does not cover sleepouts with kitchen areas or bathrooms – sleepouts that include cooking or sanitary facilities need a building consent.
- This bulletin does not give construction details for building a sleepout.

1 INTRODUCTION

1.0.1 [Schedule 1 of the Building Act 2004](#) lists building work that can be undertaken without requiring a building consent. For many years, sleepouts up to 10 m² floor area were listed in Schedule 1. On 31 August 2020, the exemption was expanded with three additional options for sleepouts that could be built without requiring a building consent:

- Single-storey detached sleepouts with 10–30 m² floor area and built with lightweight wall and roof materials.
- Kitset/prefab sleepouts with 10–30 m² floor area designed or reviewed by a chartered professional engineer.
- Sleepouts with 10–30 m² floor area where licensed building practitioners [LBPs] carry out or supervise design or construction.

1.0.2 The sleepouts under these exemptions are not the same thing as tiny houses because exempt sleepouts cannot include cooking facilities or sanitary facilities such as a toilet or shower or handbasin with potable water. Homeowners wanting to include these facilities must get building consent for the whole sleepout. [\[MBIE has produced separate guidance specifically about tiny homes.\]](#)

1.0.3 While the Schedule 1 exemptions come with common specific conditions that are explained in this bulletin [see section 3.1], there are other restrictions and conditions at central government level and council level that must be understood and complied with before design or construction work can begin.

1.0.4 There will be some circumstances where a building consent may still be required. Managing stormwater off the roof is an example, whether this involves connecting to a public stormwater drain or constructing a soak pit on site. There may also be circumstances where a resource consent is required such as when construction of a sleepout or the intended location of the sleepout does not fully comply with the district plan or other council regulations.

1.0.5 Even though a sleepout may not require a building consent, its construction must comply with all the applicable clauses of the New Zealand Building Code. A sleepout is not a glorified garden shed – building a sleepout is like building a small house but without the plumbing.

1.0.6 While many property owners will be cost-conscious and keen to do as much work as they can themselves, there are some areas where outside help will be required [see section 7]. Making electrical connections and working on stormwater drainage are examples. There are other areas where obtaining outside assistance, while not a legal requirement, will save time and reduce stress.

1.0.7 BRANZ recommends checking carefully whether a sleepout meets all the conditions for the building consent exemption and other requirements before beginning work on design and construction and before buying any materials.

2 PROPERTY OWNERSHIP AND PROPERTY TITLE

2.0.1 The type of ownership that applies to a property and any notices or restriction on the land title can both affect whether or not a sleepout can be built.

2.0.2 The main types of land ownership are freehold, leasehold and cross-lease:

- Freehold is the most common. The person with a freehold title owns the land.
- With a leasehold property, the occupier buys an exclusive right to use the land and the buildings on it for an agreed period of time, but the leaseholder/occupier does not actually own the land.
- Cross-lease titles typically apply where there are several homes on a single block of land. The leaseholders each hold a share of the title and hold a leasehold interest in the land area and building that they occupy.

2.0.3 Owners with freehold title have the greatest flexibility. Owners who want to build a sleepout on leasehold or cross-lease land should seek advice from a lawyer. It is likely that construction will only be possible with the agreement of the other parties.

2.0.4 The land title may have notices or restrictions on it that limit what, where and whether construction can be carried out on a site. These can include the following:

- Covenants place restrictions on things like minimum building size or the building materials or colour schemes used on a building but they can also apply to the land around the main house. It is possible that a covenant may rule out construction of a sleepout that is visible from the street. Covenants are more common in new suburbs or developments.
- Easements typically cover a local authority, utility company or neighbour who has an underground gas, water, stormwater or sewerage pipe running through a property. This limits the use of the area of land that the pipe runs through.
- A section 72 notice under the Building Act describes a natural hazard such as flooding or landslip that the site is at risk of. While building a sleepout may still be possible, cover from Toka Tū Ake EQC or an insurer may not be available, and the building consent authority may be exempted from liability for damage arising from the natural hazard.

3 SCHEDULE 1 BUILDING CONSENT EXEMPTION FOR SLEEPOUTS

3.1 CONDITIONS THAT APPLY TO ALL EXEMPTIONS

3.1.1 Certain conditions are common to all four Schedule 1 sleepout exemptions. To qualify, a sleepout:

- can only be constructed where there is a dwelling on site that has sanitation facilities [toilet, shower, access to potable water and so on] – previous MBIE determinations have indicated that this must be a home and other types of structure with sleeping areas, a kitchen and sanitary facilities such as a tramping club hut do not comply

- cannot include cooking facilities or any sanitary facilities
- must be fitted with a smoke alarm
- cannot be more than 1 storey and cannot include a loft or mezzanine floor
- must have a floor level no more than 1 metre above the ground, and the highest point of the structure can be no more than 3.5 metres above the floor level [Figure 1]
- must be no closer than its own height to any boundary or residential building [Figure 2]. Never assume a fence runs exactly along the boundary. If you are lucky, there may be boundary pegs to work from. In some cases, you may need to call in a land surveyor.

3.2 SLEEPOUTS UP TO 10 M²

3.2.1 The floor area in each of these exemptions is measured to the inside of the external walls. The original exemption for sleepouts up to 10 m² has the fewest specific conditions around its construction – effectively, those set out in 3.1.1 above.

3.3 SLEEPOUTS 10–30 M² BUILT WITH LIGHTWEIGHT MATERIALS

3.3.1 Of the three exemptions allowing sleepouts of up to 30 m², this option allows homeowners to carry out the largest amount of the design and construction work themselves.

3.3.2 The term ‘lightweight materials’ means:

- only light timber framing or light steel framing can be used
- only lightweight wall and roof cladding materials can be used.

3.3.3 Light wall claddings include:

- weatherboards – timber, fibre-cement or PVC
- fibre-cement sheet, plywood and other panel materials
- sheet metal claddings.

3.3.4 Light roof claddings include:

- profiled sheet metal [typically a steel alloy]

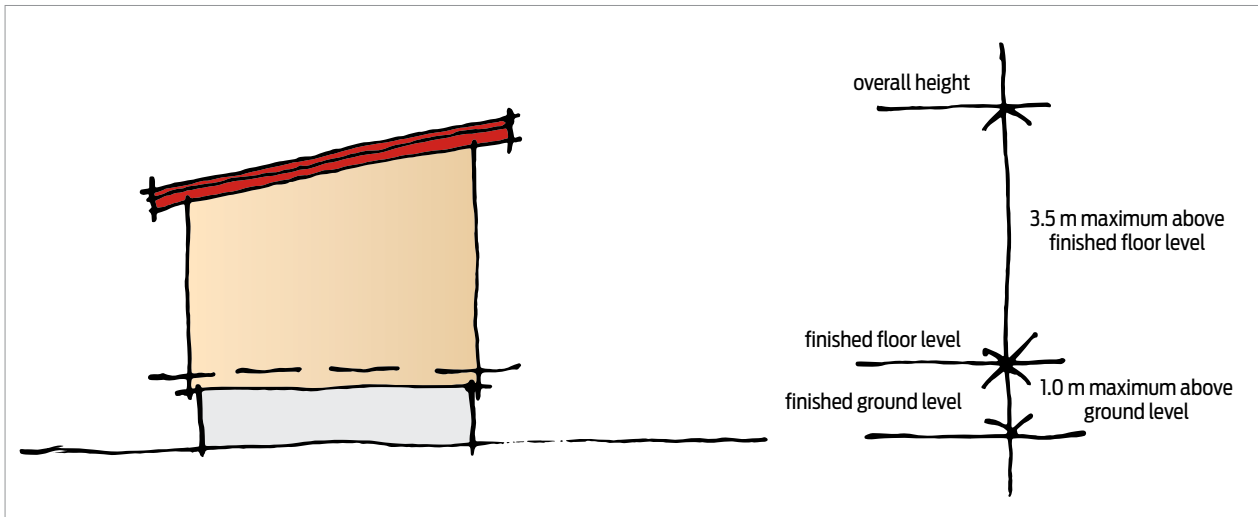


Figure 1. Height restrictions for exempt sleepouts.

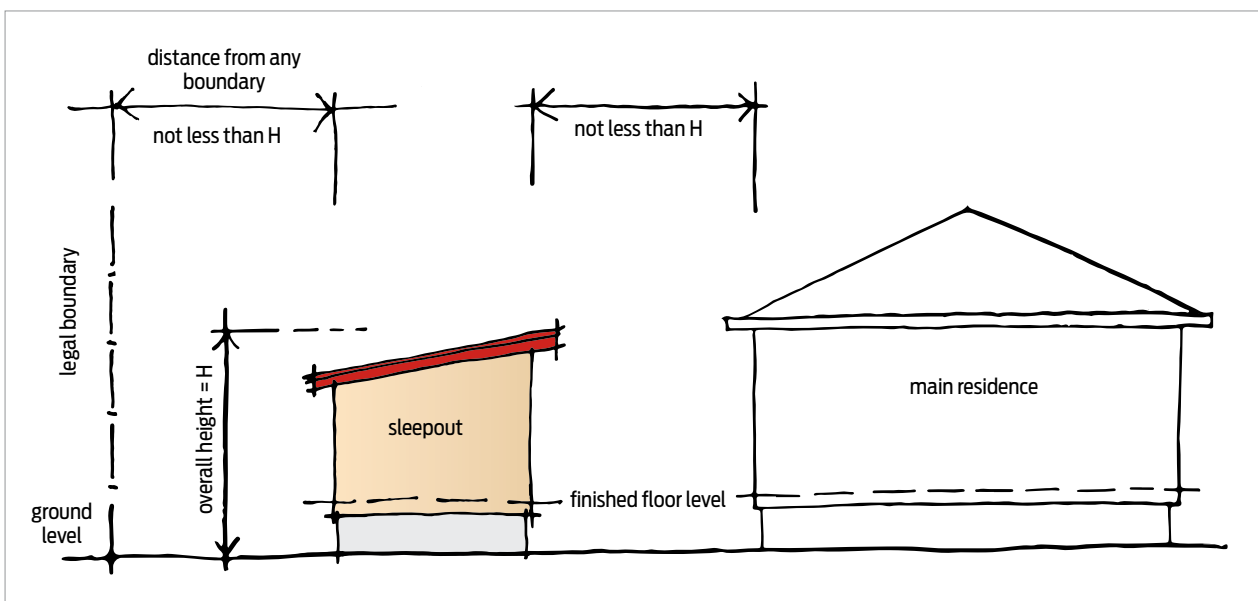


Figure 2. The exterior cladding on the sleepout must not be any closer than its own height to any residential building or any legal boundary.

- metal tiles
- asphalt or fibreglass/asphalt shingles (usually fixed over plywood sarking)
- membranes on plywood substrates (but be aware that membrane suppliers usually require their products to be installed by trained and approved applicators).

3.3.5 The technical definitions can be found in NZS 3604:2011 *Timber-framed buildings*. The wall cladding cannot weigh more than 30 kg/m² and the roofing cannot weigh more than 20 kg/m². To find out more about the weight of building materials to see if they are suitable, ask a building material supplier or check the manufacturer's documentation.

3.3.6 Several options for light wall cladding and light roof cladding are covered in Acceptable Solutions E2/AS1 (for timber-framed construction) and E2/AS4 (for light steel-framed construction). Ensure that you are referring to the most recent edition of these Acceptable Solutions – they are updated from time to time.

3.3.7 The structural components of the sleepout must be designed and built so that they comply with Acceptable Solution B1/AS1. For timber-framed buildings, this can be achieved in practice by following NZS 3604:2011. For light steel framing, see the National Association of Steel Framed Housing (NASH) design standards at <https://nashnz.org.nz>.

3.3.8 If the intended building work involves extending an existing single-storey detached building, the maximum combined net floor area cannot exceed 30 m².

3.3.9 The foundations can be concrete slab on ground or a timber suspended floor following NZS 3604:2011.

3.4 KITSET/PREFAB SLEEPOUTS 10–30 M² DESIGNED/REVIEWED BY AN ENGINEER

3.4.1 The product manufacturer or supplier must have had the design of the building carried out or reviewed by a chartered professional engineer. The responsibilities of the manufacturer are covered in section 14G of the Building Act.

3.4.2 The manufacturer or supplier should provide to the building owner/purchaser written evidence that a chartered professional engineer has designed or reviewed the building. It is important to follow the instructions of the manufacturer/supplier with regards to any building work required.

3.5 SLEEPOUTS 10–30 M² DESIGNED/SUPERVISED BY AN LBP

3.5.1 Any design or construction work for a sleepout under this exemption must be carried out or supervised by an LBP:

- The design can be carried out by an LBP with a design licence or a registered architect.
- The construction work should be carried out by an LBP holding a licence for that specific area of work such as foundations, carpentry, roofing and so on.

3.5.2 The work involved in this exemption is not restricted building work because building consent is not required. LBPs do not have to supply a record of work but are still professionally accountable for the work. The oversight of the Building Practitioners Board still applies.

4 BUILDING CODE AND OTHER BUILDING ACT REQUIREMENTS

4.0.1 Sleepouts must comply with the Building Code. Because a sleepout is a habitable space, it must have, among other things, fresh air ventilation, natural lighting, thermal insulation, a safe escape path and a smoke alarm. Understanding these requirements before design or construction starts is essential.

4.0.2 While the Building Code and associated documents such as Acceptable Solutions and standards usually set out how a building must be constructed, the documents may contain limitations or requirements that mean a sleepout as planned cannot be built. For example, NZS 3604:2011 has limits around subfloor members (pile lengths, for example) that may mean that a sleepout cannot be built on very steeply sloping land unless extensive excavations are made (and excavations come with their own rules).

4.0.3 The Building Act and regulations set out specific requirements around building contracts and contractors 'putting things right' for clients. These requirements don't just apply to builders but to work done by any tradesperson. For residential building work of \$30,000 (including GST) or over, there must be a written contract – see www.building.govt.nz/getting-started/your-rights-and-obligations.

5 LOCAL AUTHORITY REQUIREMENTS

5.0.1 In each city or district council's district plan and other planning documents, there are rules that sleepouts must comply with, as all buildings must. These rules determine whether a sleepout can be built on a property in the first place and, if so, where it can be located on the property and what other rules it must comply with.

5.1 SET-BACKS AND RECESSION PLANES

5.1.2 District plans limit how close a building can be to a boundary (a yard or set-back) and its maximum height relative to the boundary (within a recession plane – Figure 3).

5.2 SITE COVERAGE, MINIMUM PERMEABLE AREA AND OUTDOOR LIVING SPACE

5.2.1 Site coverage is the maximum area of a property that can be covered with buildings. It often needs to be less than 40% or 50% but can be as little as 30% or as much as 60%. For example, if you already have a 140 m² house on a 320 m² section and the limit in your area is 50%, you can add a sleepout up to 20 m² but not up to 30 m².

5.2.2 Similar in concept to site coverage is minimum

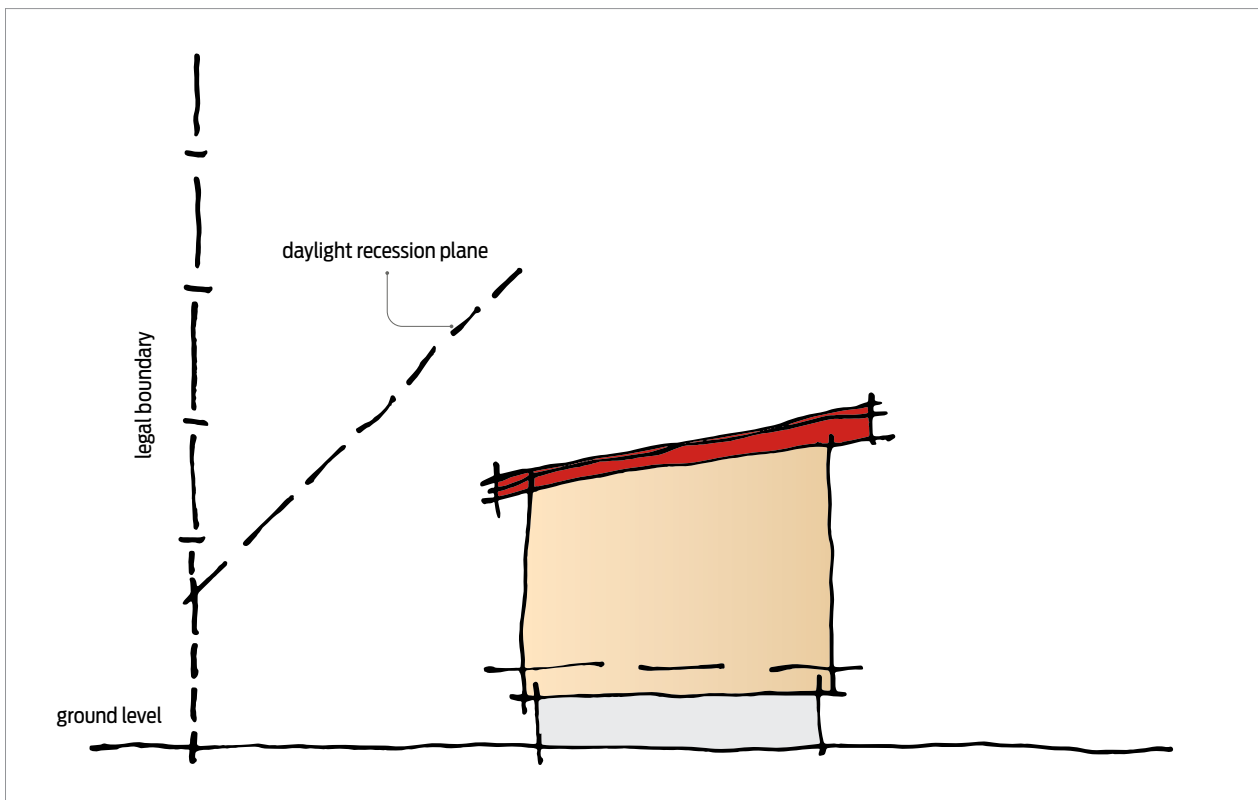


Figure 3. No part of the sleepout can penetrate the daylight recession plane.

permeable area. Many councils have a minimum area of the property that needs to be permeable (with grass, planting or permeable paving) so rainwater can soak into the ground. A typical urban general residential zone may require, for example, 30% of the surface area to be permeable, but check with your local council to confirm the minimum area required.

5.2.3 Some urban residential zones require minimum areas of continuous outdoor living space. A common requirement is a minimum of 30–60 m² that is directly accessible from the house. Some councils also require this area to have a minimum length or width such as at least 5 m across.

5.3 STORMWATER DISPOSAL

5.3.1 Councils around the country have slightly different requirements around handling stormwater from a new building such as a sleepout. In some cases, pipes carrying water collected from the roof can be connected directly into the existing private stormwater drain on site and discharged into the public stormwater drain (the stormwater system).

5.3.2 Public stormwater drains are not available in all areas. Some councils and network utility operators do not allow additional stormwater to be discharged into their networks, particularly where there are capacity constraints. If the stormwater pipes cannot be connected to the public stormwater system, another method of disposal will need to be found. This should be discussed with the local council to identify its specific requirements. Stormwater drainage off the sleepout must not affect existing neighbouring properties or buildings. If a soak pit is to be constructed on site, this

itself is likely to require a building consent (and in some circumstances may even require a resource consent). The requirements for constructing a soak pit are set out in Verification Method E1/VM1. The calculations required are not simple and are best done by someone with experience. In addition, most local authorities specify minimum distances between soak pits and existing buildings and property boundaries. Some have their own specific requirements around soak pit construction.

5.3.3 All stormwater drainage work must be undertaken by an authorised drainlayer.

5.4 HAZARDS

5.4.1 In locations vulnerable to natural hazards such as flooding or landslip, there may be council restrictions on whether new buildings can be constructed in a particular location or whether they can only be constructed on a particular part of the site. Building in an existing overland flood path could cause flooding of the owner's property or a neighbouring property. Many councils have online maps identifying areas at risk of natural hazards.

6 OTHER ENQUIRIES TO MAKE BEFORE STARTING DESIGN OR CONSTRUCTION

6.1 GEOGRAPHICAL ZONES

6.1.1 New Zealand is divided into a series of geographic zones that define the type and level of risk that a building faces. Many rules around the design and construction of new buildings depend on the zones they are being constructed in. These are the main zones:

- Four **earthquake zones**, from 1 to 4, with 1 being the parts of New Zealand at the lowest risk of earthquakes and 4 the highest risk. A map showing these zones can be found in NZS 3604:2011 [Figure 5.4].
- Five **wind zones** [low, medium, high, very high and extra high]. Where the wind is over 55 m/s – above the extra high zone – an engineer must be consulted for the design. While NZS 3604:2011 shows wind regions, to establish the wind zone for a specific site, an engineer may need to be consulted. Local councils may provide guidance on wind zones in their area but may not have site-specific data beyond urban residential areas.
- Three **exposure/corrosivity zones** – Zone B [inland areas with lowest risk of material corrosion], Zone C [coastal areas with medium risk] and Zone D [coastal areas with high risk]. These zones can be found in NZS 3604:2011 [Figure 4.2]. Councils may have different requirements for specific locations.

- Six **climate zones** (Figure 4), from the warmest parts of the country to the coldest. These zones can be found in the H1 Acceptable Solutions and Verification Methods.

6.1.2 Councils can provide details of the zones that apply in their areas. The zones for a particular property can also be found using the [BRANZ Maps online tool](#).

6.1.3 To give an idea of the implication on the requirements for construction in different zones:

- buildings in zones that have stronger winds and/or earthquakes will need stronger foundations and wall and roof framing
- buildings very close to the coast will need metal elements such as fixings to be made from stainless steel to protect against corrosion from salt
- buildings in colder parts of the country will need higher levels of insulation and higher-performing windows to keep them warm in winter.

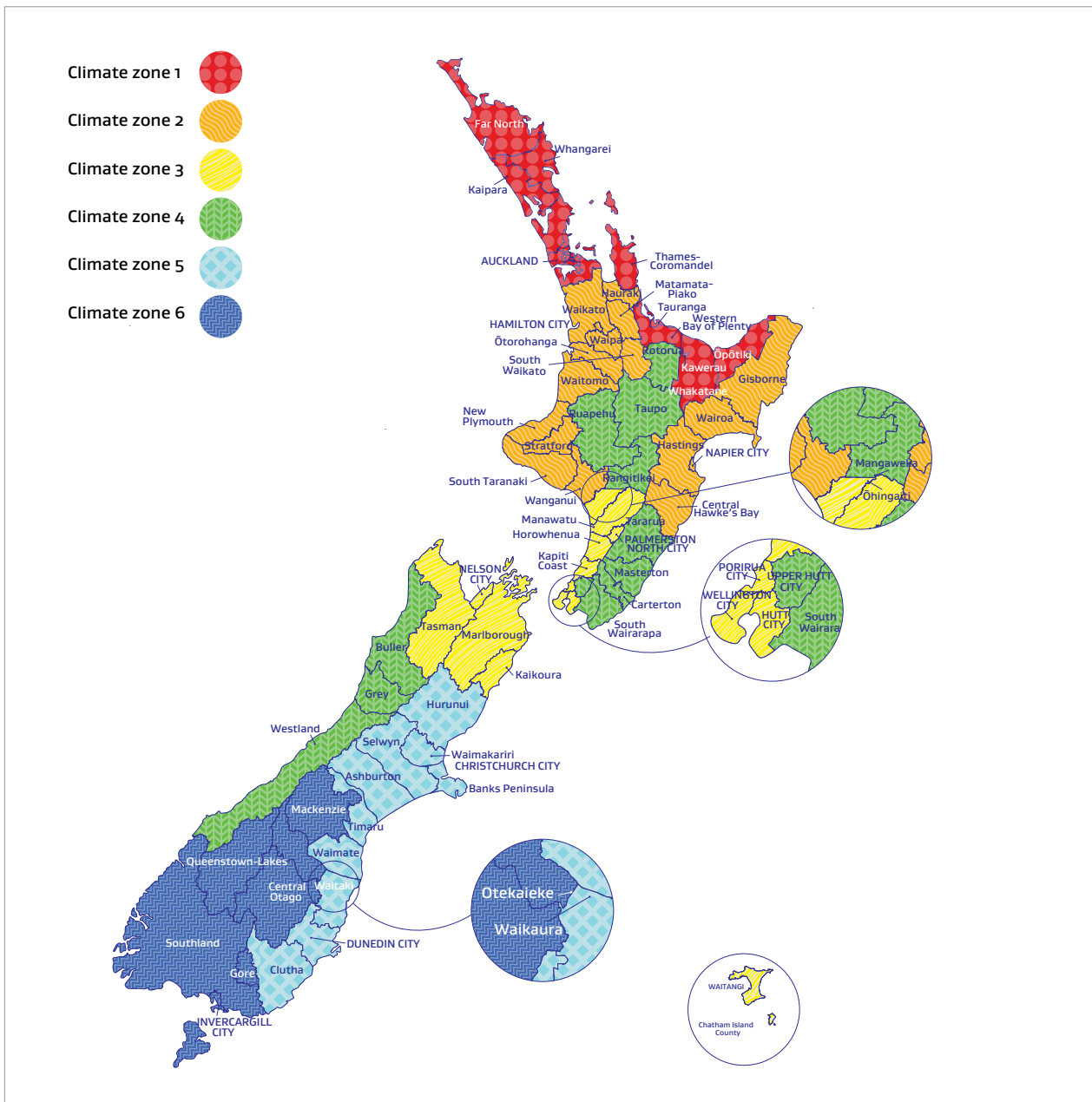


Figure 4. New Zealand is divided into six climate zones that determine how well insulated a sleepout must be.

7 GETTING OUTSIDE HELP

7.0.1 Some work on the sleepout can only be carried out by registered practitioners:

- All stormwater drainage work must be undertaken by an authorised drainlayer.
- The electrical connection between the sleepout and the house must be made by a registered electrical worker and a certificate of compliance must be provided on completion.
- In locations where wind speeds can be extreme – above the extra high zone – an engineer must be consulted at the design stage to help determine bracing requirements. This category of work is called specific engineering design (SED).
- If there is any doubt at all about whether the land the sleepout is to be built on meets the requirements of ‘good ground’, a chartered professional engineer or other experienced professional should be consulted.

7.0.2 There are other areas where outside help is not a legal requirement but can still have major benefits. For example, during the design work, calculations must be made for bracing requirements in the floor, walls and roof. Someone who has never done bracing calculations before may find it difficult, time-consuming and stressful. Asking an LBP – a draughtsperson, designer, engineer or similar – who has done these calculations many times before may be a time-saving step. Depending on who does the work, the cost may not be high. If in doubt about anything, seek professional help.

8 MORE INFORMATION

8.0.1 There is a substantial amount of information online, especially on the MBIE website and council websites. BRANZ recommends talking to local council staff to determine the current council requirements that apply to sleepouts.

MBIE

[Single-storey detached buildings not exceeding 10 square metres](#)

[Single-storey detached buildings between 10 and 30sqm in floor area, using lightweight material](#)

[Single-storey detached buildings up to 30sqm in floor area with prefab or kitset components](#)

[Building consent exemptions for work carried out or supervised by an LBP](#)

[Building work that doesn't need a building consent](#)

[Can I Build It?](#) – an interactive tool that helps homeowners find out if planned building work needs a building consent and what to do before starting physical work.



CHALLENGING AOTEAROA NZ TO CREATE A BUILDING SYSTEM THAT DELIVERS BETTER OUTCOMES FOR ALL

BRANZ ADVISORY HELP LINES

FOR THE BUILDING INDUSTRY

0800 80 80 85

FOR THE HOME OWNER AND PUBLIC ENQUIRIES

0900 5 90 90

Calls cost \$1.99 per minute plus GST. Children please ask your parents first.

HEAD OFFICE AND RESEARCH STATION

1222 Moonshine Road, Judgeford, Porirua, New Zealand

Private Bag 50 908, Porirua 5240, New Zealand

Telephone 04 237 1170 - Fax 04 237 1171

www.branz.nz



Standards referred to in this publication can be purchased from Standards New Zealand by phone 0800 782 632 or by visiting the website: www.standards.govt.nz.

Please note, BRANZ books or bulletins mentioned in this publication may be withdrawn at any time. For more information and an up-to-date list, visit BRANZ Shop online: www.branz.nz or phone BRANZ 0800 80 80 85, press 2.

Disclaimer: The information contained within this publication is of a general nature only. BRANZ does not accept any responsibility or liability for any direct, indirect, incidental, consequential, special, exemplary or punitive damage, or for any loss of profit, income or any intangible losses, or any claims, costs, expenses, or damage, whether in contract, tort (including negligence), equality or otherwise, arising directly or indirectly from or connected with your use of this publication, or your reliance on information contained in this publication.

ISSN 2537-7310 [Online]

Copyright © BRANZ 2023. No part of this publication may be photocopied or otherwise reproduced without the prior permission in writing from BRANZ.