

Hamilton City Council – Staff Feedback

Consultation on Proposed Regulations and Forms Regulations (for Granny Flats Building Consent Exemption and a new Waterproofing Licence)

**Ministry of Business, Innovation and
Employment**

26 September 2025

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this staff feedback is primarily aligned with the priority of **A green city**.

Council Approval and Reference

This staff feedback was approved by Hamilton City Council's Chief Executive on 26 September 2025.

Feedback # 815

It should be noted that the following feedback is from staff at Hamilton City Council and does not, therefore, necessarily represent the views of the Council itself.

Introduction

1. Hamilton City Council staff welcome the opportunity to provide feedback to the Ministry of Business, Innovation and Employment on its September 2025 **Consultation on Proposed Regulations and Forms** **Regulations (for Granny Flats Building Consent Exemption and a new Waterproofing Licence)**.
2. The feedback from Hamilton City Council staff to the Ministry of Business, Innovation and Employment's key questions on the various Annexes is outlined below.

Annex A - Granny Flats PIM Application

3. **Question 1:** Should there be a tick box checklist on whether the project meets the exemption conditions under clause 1, Schedule 1A in the Building and Construction (Small Stand-alone Dwellings) Amendment Bill?
4. **Response:** Yes, and ensure the checklist contains the entire list of conditions.
5. **Question 2:** As with a building consent, should an applicant include information on previous PIM applications and/or building consents sought for the project (since the PIM would lapse after 2 years)?
6. Response: Yes, we agree.

Annex B - Granny Flats PIM Response

7. **Question 1:** Is a prescriptive approach to issuing a PIM form for non-consented small stand-alone dwellings helpful? Or is the proposed PIM better addressed in guidance?
8. **Response:** We think a prescriptive approach will ensure greater consistency throughout the country and give the applicant certainty of what information is to be provided.
9. **Question 2:** Are there elements missing from the proposed content that ought to be prescribed (and is not covered off in the supplementary information form)?
10. **Response:** Clarity regarding the following statement: *Details of authorisations that the TA can require (or are available, in train, or have been received; on own behalf or on behalf of a network provider) – statement of requirements or conditions (other Acts).*
11. **Question 3:** Are there any PIMs issued now that you consider to be an exemplar of good practice?
12. **Response:** Refer to the copy attached.

Annex C - Granny Flats Supplementary Information

13. **Question 1:** What changes, if any, are required to the proposed form content?
14. **Response:** No changes are required.

Annex D - Granny Flats Determination

15. Question 1: Do you agree with the proposed change?
16. Response: Yes.
17. Question 2: Are any other related changes to this form required?
18. Response: Clarification as to how many extensions can be applied for as guidance for both Territorial Authorities and property owners.

Annex E - Granny Flat Development Contribution Notice

19. Question 1: What changes, if any, are needed to this proposed form?
20. Response: No changes are required.

Annex F – Granny Flats LBP CoDW

21. Question 1: Do you agree with the proposed change?
22. Response: Yes.
23. Question 2: Are you aware of any other changes that may be required?
24. Response: No changes are required.

Annex G – Granny Flats LBP RoW

25. Question 1: Do you agree with the proposed option?
26. Response: Yes, we agree with the change.
27. Question 2: Would you prefer a new RoW specific to non-consented small stand-alone dwelling?
28. Response: There is no point creating a new RoW specific to non-consented small stand-alone dwellings if the design LBP has to provide the same CoDW they would for a consented dwelling.
29. Question 3: Are you aware of any other changes that may be required?
30. Response: No changes are required.
31. Question 4: Are there any specific features from the proposed RoW for plumbing and drainlaying that could or should be included in a new or updated Form 6A?
32. Response: No changes are required.

Annex H – Granny Flats Prescribed Sanitary Plumbing and Drainlaying

33. Question 1: Do you agree with the kinds of sanitary plumbing and/or drainlaying work that is currently proposed to be prescribed plumbing and/or drainlaying work?
34. Response: Yes.
35. Question 2: Are you aware of any other changes or additions that may be required?

36. Response: No other changes are required.

Annex I – Granny Flats P+D RoW

37. Question 1: Should the above be split into two separate forms (one for plumbing and another for drainlaying)?
38. Response: No – see 2 below.
39. Question 2: How prescriptive should the record be? Is the above format suitable?
40. Response: We think that there should be a better way to separate if the plumber is not the drainlayer. Maybe a tick box indicating whether the record is for plumbing or drainage, instead of having two separate spots for them to put individual names.
41. Question 3: Should there be form elements to cover NUO approval?
42. Response: No: if a new connection is required (water, sewer, stormwater), this building should fall outside the exemption clause – possible subdivision.
43. Question 4: Should the form specify the distribution of who records of work should be provided to?
44. Response: Yes.

Annex J - Proposed Waterproofing Licence

45. Question 1: Do you support the establishment of a waterproofing licence?
46. Response: Yes.
47. Question 2: Do you support the inclusion of basement area tanking as an area of practice?
48. Response: Yes. This is an area of high risk of failure.
49. Question 3: Do you have any feedback on the proposed definition of restricted building work?
50. Response: Yes: Consider two sub-classes: Waterproofing in habitable spaces (bathrooms) and non-habitable (basements).
51. Question 4: Do you agree that fees should be aligned with the other classes?
52. Response: Yes.
53. Question 5: Are there any specific aspects that should be included in the competencies?
54. Response: The register should specify which products they are licensed to use. This will ensure that they are competent at water testing.

Further Information and Opportunity to Discuss our Feedback

55. Should the Ministry of Business, Innovation and Employment require clarification of the feedback from Hamilton City Council staff, or additional information, please contact **Alister Arcus** (Principal Building Advisor – Regulatory Services) on **07 838 6881** or email Alister.Arcus@hcc.govt.nz in the first instance.
56. Hamilton City Council representatives would welcome the opportunity to discuss the content of this feedback in more detail with the Ministry of Business, Innovation and Employment.

Yours faithfully



Lance Vervoort
CHIEF EXECUTIVE

25 July 2025

[REDACTED]

Dear Sir/Madam

Project Information Memorandum Number: [REDACTED]

Project: New x3 Two Storey Duplexes

Project Address: [REDACTED]

Legal Description: [REDACTED]

Thank you for the application for Project Information Memorandum. We are pleased to advise that this application has been processed and is included in this letter.

Your next step is:

Carefully read the Project Information Memorandum comments on page 2 of this letter. This information may be important to you during the construction process. A Building Consent is still required prior to construction commencing.

Good luck with your building project and we look forward to our staff assisting you with the consent and any future building work.

If you have any queries, please contact us on building.unit@hcc.govt.nz.

Kind regards.

Yours faithfully



Cory Lang
Regulatory Services Unit Director
Municipal Offices
Garden Place, Hamilton
www.buildwaikato.co.nz

www.legislation.govt.nz – Building Act 2004, Sections 35

This is your Project Information Memorandum

This describes (if relevant) any special features of the land, Information of other Acts relating to the land or buildings, Details of waste and storm water systems and confirmation that the works will comply with the Building Act subject to the requirements of the building consent.

Heritage Status of the Building

- The proposed building work is considered as not affecting any land or structures with Heritage status.

Special Features of the Land Concerned

Special features of the land concerned includes, without limitation, potential natural hazards, or the likely presence of hazardous contaminants.

The land concerned means the land on which the proposed building work is to be carried out and any other land likely to affect or be affected by the building work.

The following Special Features have been identified for the property:

- The property is located in a flood hazard zone with the potential for inundation. A Flood hazard zone map is attached to this PIM for reference.

Building

- Please ensure boundary pegs and boundary lines are clearly defined to check siting of building.
- A soil report relating to the site is attached to this PIM for reference purposes only.
- Wind zones is rated as Low.
- The Earthquake Zone for your area is designated as B.
- A Vehicle Crossing Application is required for this proposed design. Please contact Hamilton City Council Infrastructure Operations for further information. Any damage to the Council footpath or berm area outside your property resulting from construction works, will be charged to the person responsible or property owner if not repaired.
- The proposed building work is located in close proximity to Hamilton City Council waste water and/or storm water assets. Specific engineered design by a suitably qualified engineer is required for the foundation, complying with the Waikato Regional Infrastructure Technical Specifications (RITS). Please contact Hamilton City Council Strategic Development Unit for further information if required.
- The proposed building work is located in close proximity to Hamilton City Council waste water and/or storm water pipes, CCTV assessment is required to be submitted to Hamilton City Council for review prior to construction commencing and also once construction is complete to clarify the pipes location, condition and suitability.
- The proposed building work includes additional/ altered connection to Hamilton City Council 3 waters network. A record of connections to Hamilton City Council systems for potable water supply, waste water and storm water are shown on the attached site plan. Please contact Hamilton City Council City Waters for any further information.

- The proposed building work includes construction of a building on two or more allotments. Under Section 75 of the Building Act 2004, the Territorial Authority (Hamilton City Council) must issue a certificate that states that, as a condition of the grant of a building consent for the building work to which the application relates, 1 or more of those allotments specified by the territorial authority (the specified allotments) must not be transferred or leased except in conjunction with any specified other or others of those allotments.

Development Contributions

Pursuant to the Local Government Act 2002 (LGA) and Council's Development Contributions Policy, development contributions may be required to be paid in respect of a development. Based on the information provided in the application, the development contribution charge is estimated at \$48,396.97 (incl. GST). This estimate of DCs does not bind Council. It is an estimate only based on the 2023/24 Development Contributions Policy and will be subject to changes once the final nature of the development is known, and DCs are formally required by Council. As the developer you should undertake your own due diligence. Development contributions will be required based on the Policy that is in force at the time the development contribution is required under section 198 of the LGA. Pursuant to section 208 of the LGA, if the development contribution charge remains unpaid, Council may withhold a code compliance certificate under section 95 of the Building Act 2004 or a building consent authority, under section 94 of the Building Act 2004, must refuse to issue a code compliance certificate until evidence of payment has been received.

If you have any queries regarding development contributions, please contact Council's Development Contributions Team on 07 958 5803 or DCO@hcc.govt.nz or visit Council's website <https://www.hamilton.govt.nz/DC>

Planning

(1) Resource Consent [REDACTED] applies.

A s127 Change of Conditions will be required as the proposal is not in General Accordance with the consented design.

Electricity Transmission Lines and Towers

Please be aware that if your property is built under or adjacent to high-voltage electricity lines, or transmission towers/pylons, you are required to ensure that the proposed building complies with the clearances prescribed in the New Zealand Electrical Code of Practice for Electrical Safety Devices (NZCOP34:2001).

It is the responsibility of the property owner to ensure compliance with NZCOP34:2001 and if necessary to contact the line owner to determine whether the proposed building will comply, prior to commencing any site activity or construction.

Please check with your Local Network Utilities Operator as to where your services are located, ie Power, Gas, Phone and Internet

Attachments:

- Soil Report
- Site plan with HCC service connection locations
- Site plan with flood zone locations

Project Information Memorandum No: [REDACTED]
Section 35, Building Act 2004
Issued by the Hamilton City Council

Application

Applicant: [REDACTED]

Mailing Address: [REDACTED]

Application Lodged: 11/06/2025

Project

Application Description: New x3 Two Storey Duplexes

Stage: Not Applicable

Intended Use: Multi-Unit Dwelling

Work Type: New Construction

Intended Life: >50 years

Value of Work: \$2,001,000.00

Property

Address: [REDACTED]

Property Reference: [REDACTED]

Outcome

This is:

- Subject to the Building Act 2004 the building work may be carried out subject to the requirements of a building consent and all other authorisations being obtained.

Signed for and on behalf of the Hamilton City Council:

Name: Cory Lang

Date: 25 July 2025



Position: Regulatory Services Unit Director
Regulatory Services Unit

Hamilton City Council
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