

DOCUMENT FOR TDC RE BUILDING REGULATIONS: RECOMMENDATIONS FOR A SEPARATE 'OWNER-BUILDER' STATUS – Robina McCurdy, Earthcare Education Aotearoa

Proposal: That Tasman District Council pioneer this status to enable innovative, genuinely sustainable, 'green' building, at an affordable cost, within NZ.

What is It, How does it Differ from the Standard Building Code and its Application Process, What are the Roles and Responsibilities of Councils?

Under this proposal, there would exist two options for building in NZ:

- (1) The **current building code**, with its standard process for application and inspection. This would pertain to:
 - (a) house owners needing bank mortgages, insurance cover and intended for resale to new owners require this also.
 - (b) New house owners without adequate building experience and/or wanting this external authority for their own personal security.

- (2) The **owner-builder code**. This would be a specific category that owner-builders only could apply for - ie the house would not need to be built by a registered builder. It would include the owner-builder signing a **safe practice agreement** (not the standard Building Code), which include specifying owner-builder liability.

The Owner-Builder Code

The authorisation would be a watertight legal document signed by the applicant and the council. It would absolve the council of ANY **responsibility and liability** for the building in the case of any unforeseen accidental circumstances to the structure, the people living in it or building it.

The process would involve one meeting with the Building Inspector, in the role of an Advisor only, to share concept plans and dialogue any queries/issues. The **fee** would be minimal compared with that for a current building consent, as it would only cover one Building Advisor meeting and 'one time' paperwork with Council. It would not need to cost in building inspection visits or liability covers. The design, materials and construction would be completely in the hands of the applicant and builder/s.

Due to the uncommon circumstances (eg not needing a bank mortgages, willing to take the risk no insurance), it is estimated that the applicants for this category would only be around 1% of the population. Hence the financial 'losses' to the council administration and to building product manufacturers (re obligation to use products specified products) would be negligible.

This Owner-Builder category is referred to as 'Experimental Building' in some other parts of the world eg Canada, Wales. In NZ, there previously existed a 'Policy for Experimental Permits' (1993), outlining the minimum requirements for permitted occupancy. It pertained mainly to strawbale buildings.

This proposal herein is a 'step up' from practices in the USA, where no Council involvement is at all necessary for home building. It is only banks and insurance companies, for their investment security, that require a homeowner to obtain a Building Permit. In South Africa, building permits are required in urban areas but not rural areas.

The Safe Practice Agreement

This would be around a page or two long Memorandum of Understanding, of 'common sense' building practice. It would contain the 'spirit of the building code' but no 'nuts and bolts'. It would be written by a small team of experienced architects and builders who have a track record in genuine sustainable building (recommendations: a mix of straw-bale, earth and traditional timber-frame builders).

Why an 'Owner-Builder Permit' is Essential Nowadays

- ☒ (a) Increasingly unaffordable cost of stringent building permits and conventional building materials,
- ☒ (b) Unhealthy building materials (eg non-breathable building wrap, toxically treated pinus radiata timber) with the outcome of sick people,
- ☒ (c) Unsustainable practices - depletion of conventionally used building materials at a far greater rate than their regeneration, as well as 'cradle to grave' analysis of materials (production, processing and transportation),
- ☒ (d) Non-permitting of methods with time-proven stability, that have been used for centuries, eg traditional timber-framing (mortise & tenon construction), load-bearing cobb,
- ☒ (e) Lack of ability for innovation and creativity (requirement to put in the plans almost where every nail goes!),
- ☒ (f) Housing as a profit-motive commodity and not as a basic right, resulting in substandard housing, high rents, homeless peoples and an 'out of reach' luxury for first home owners especially young families,
- ☒ (g) Rapidly increasing numbers of people living in mobile homes, motor camps, night shelters, under bridges and in parks - and if desperate and/or courageous enough, building an unpermitted dwelling without a resource consent,
- ☒ (h) the State, through the current regulations, are inadvertently forcing people to live in this situation (as described in g), stripping them of a fundamental right, and their dignity. This implies that there is a preference to have people homeless or living in substandard conditions rather than comfortably housed in a creatively built, safe home which does not currently comply with current regulations.
- ☒ (i) Personal, Social and Leadership Development – the removal of right to owner-build as a significant 'rite of passage' for men (and so-inclined women).

"As you build the house, the house builds you" – Koru Bruce Stewart, of Tapu te Ranga Marae, Island Bay, Wellington.