

OIR: 2526/329

14 April 2026

[REDACTED]
[REDACTED]

Tēnā koe [REDACTED],

Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Thank you for your email of **13 March 2026** requesting the following information:

I request official information held by Kāpiti Coast District Council relating to its position that Structural Insulated Panel (SIP) construction systems are excluded from the 70 m² granny flat exemption in Schedule 1A of the Building Act 2004.

The timeframe for this request is 1 January 2026 to 12 March 2026 (being the date this request is submitted).

Please provide:

- 1. Copies of any written advice, correspondence, guidance, or briefing material received from MBIE that Council relied upon in forming the view that SIP panel systems are not included within the exemption or do not meet the requirement for a “frame made of lightweight building products (being steel or timber)”.***

If no written MBIE advice exists, please confirm this and provide any records describing the form, date, and substance of any verbal advice relied upon.

Attached is advice from MBIE that council officers considered when determining if the SIPs panel system could be considered as meeting the criteria of Schedule 1A. Officers did not receive any verbal advice from MBIE.

- 2. Internal communications (including emails, file notes, or briefings) discussing the interpretation of Schedule 1A in relation to SIP or panelised construction systems, including any communications referring to***

Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.

concerns arising from previous projects, other builders, or past performance of SIP or similar systems, and any reliance on such concerns in forming Council's position. This includes communications involving Steve Cody and any other consenting, compliance, policy, or legal staff involved.

The council does not hold internal written communication discussing the interpretation of Schedule 1A, other than email communication with legal counsel. As this information is legally privileged, it is withheld under section 7(2)(g) of the Act in order to maintain legal professional privilege. I am satisfied that the withholding of this information is not outweighed by public interest considerations in section 7(1) favouring release.

For clarity, when council received the request to consider the SIPs panel system, officers state they referred to the MBIE guidance available on the MBIE website about the minor dwelling exemption, which includes what building typologies meet the exemption criteria. There was then a verbal assessment of that typology and the SIPs panel system, including discussion about the definition of a "frame".

3. Any documents recording how Council reached the position communicated to Bode Limited that SIP panel systems are excluded from the exemption, including any decision records or management sign-off.

Attached is the information council holds that records council's view the SIPs panel system does not meet the criteria outlined in the legislation and MBIE guidance.

4. Any documents or communications referring to how other territorial authorities are interpreting or applying the 70 m² exemption to SIP or panelised systems.

The only information council holds about how other territorial authorities are interpreting the use of SIP panels for the Schedule 1A exemption is the advice supplied by Bode to council from Christchurch City Council. A copy of that email is attached for your reference.

5. Confirmation of whether Council obtained legal advice on this issue, including the date and general subject matter of that advice (existence only, not content).

The council received legal advice about the inclusion of a SIPs building typology in the Schedule 1A exemption. This advice was a combination of written and verbal advice received during early to mid-March 2026.

I understand that Council officers confirmed since this request was lodged, and Acting Manager Consenting Steve Cody met with [REDACTED] about this matter that:

- During this discussion Mr Cody confirmed when council considers a 1A exemption it does not assess the compliance of the proposal and limits the assessment to whether it considers the proposal is “likely” “unlikely” or “unclear” to meet the requirements of the exemption.
- Depending on the decision by council it is up to the owner to decide whether they will proceed with constructing the home via the 1A exemption process.

In short, a customer can apply for a 1A Exemption using a SIPs system as part of the proposed design. Subject to what information is supplied in the application council will issue the PIM along with a statement about whether it considers the application is “likely” unlikely” or “unclear” to meet the requirements of the exemption.

I hope we have answered your enquiry, otherwise you can contact Acting Manager Consenting Steve Cody at steve.cody@kapiticoast.govt.nz if you wish to further discuss the matter.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi,



Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu

If you are interested in the attachments which accompany this response, please contact us at: informationrequest@kapiticoast.govt.nz.