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## 2013/047: Regarding the refusal to grant building consent without a section 73 notice for a garage on land subject to inundation

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Abbreviation

2013/047

Valid from

20/08/2013

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Information provider

Ministry of Business, Innovation and Employment

Information type

Determination

Format

PDF

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**Description**

This determination arises from the authority's decision to refuse to issue a building consent for the construction of a proposed garage unless a section 73 notice was entered on the certificate of title of the land. This is on the grounds that the land on which the garage is to be built is subject to flooding (inundation). The matter to be determined is therefore whether the authority correctly exercised its powers in refusing to issue the building consent without a section 73 notice. In making this decision I must consider: whether the proposed building work complies with the Building Code in respect of inundation; and whether the land is subject to a natural hazard such that the building consent should be subject to a notification under section 73.

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