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## 2016/011: Regarding the issue of a notice to fix for a pit latrine, showering shed, water supply system, and two Shepherd's huts

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Abbreviation

2016/011

Valid from

30/03/2016

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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 a notice to fix issued by the authority for the construction of a number of structures on the applicants property without building consent first being obtained.

The applicants are of the view that two of the structures are vehicles and not buildings under the Act. And that the remaining structures were exempt under Schedule 1 of the Act from the requirement to obtain building consent.

The notice to fix was also issued in respect of non-compliance with the Building Code (First Schedule, Building Regulations 1992). In correspondence between the parties there is reference to the requirements of the District Plan under the Resource Management Act. I note here that I have no jurisdiction under any other enactments and this determination is limited to those matters set out

below.

The matter to be determined is the exercise of the authority's power of decision in issuing the notice to fix. In determining this matter the following have been considered:

1. whether two of the structures, referred to in this determination as the large and small shepherd's huts, are buildings under section 8 of the Act;
2. whether building consent was required for any of the structures; and
3. whether those structures that are buildings comply with the Building Code. I have also discussed the form and content of the notice to fix.

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