

Involvement of adjoining owners in siting appeals

This replaces previous Minister's Guideline 94/04 issued on 16 June 1994 and reprinted 2003

Pursuant to section 188(1)(c) of the Building Act 1993 (the Act) I hereby issue the following Guideline. Note that section 188(7) of the Act provides that a municipal building surveyor or private building surveyor must have regard to this Guideline in carrying out their functions.

Where a request is made to allow a reduction in the setback requirements of Part 4 of the Regulations, the municipal council is to seek the views of the relevant adjoining owner.

If an adjoining owner objects to the proposal, and the objection is not considered frivolous, the municipal council in deciding the issues should bear in mind that refusal would create the situation where the applicant may lodge an appeal to the Building Appeals Board. This gives the affected adjoining owner the opportunity to appear as a witness of the municipal council at the appeal.

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Minister for Planning