

# Tiny House information: questions and answers

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## Section One: Purpose and Background

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### **1.1 Purpose**

This document on Tiny Houses was developed by the Council with the help of the Canterbury Tiny House Society. It seeks to provide information on tiny houses to help inform those contemplating living in one.

### **1.2 Background**

Tiny homes are generally bespoke which makes every situation different. This makes it very difficult to provide black and white answers to general questions. This applies equally to the Building Act/Building Code and Resource Management Act/District Plan so there is always some judgement required in decision making.

The Building Act and Resource Management Act (and the District Plan made under the RMA) are discrete pieces of legislation with quite different purposes and principles and can define the same term differently.

The particular circumstances of a tiny house on a site will determine whether it is a 'building' under either the Building Act or under a District Plan. Constructing one as a vehicle (e.g. as a large caravan) may be valid however anyone intending to use one on a specific site as a building/residential unit needs to be aware of the legislation that then applies.

Council relies to a certain extent on feedback from the community to become aware of non-complying activities. While a resource consent application or enforcement action may often be triggered by a neighbour, Council are more typically made aware of potential non-compliances in advance by the applicant being proactive and seeking the necessary approval. We do not generally seek out buildings that do not comply with legislation, however when it is brought to our attention we are obliged to investigate and resolve issues where possible.

## [Section Two: The District Plan and Resource Consents](#)

### **What are the rules around the placement of my tiny home?**

#### **2.1 Christchurch District Plan/Zoning**

Unlike building consents where the Building Code is consistent nationwide, the Resource Management Act requires Councils to prepare their own district plan. These are prepared at a local level and contain provisions that guide the nature and location of activities across the city.

The Christchurch District Plan, like those of most Councils, uses zoning as a key mechanism to control the use of land. In this respect there are a number of different zones throughout the city that provide for different activities or types of development.

Where an activity is permitted by the district plan then no resource consent is required. Conversely, where an activity breaches a rule in the district plan resource consent will be required.

Given the scale of the district plan it is not possible here to provide comprehensive guidance for all zones. This guidance (unless stated otherwise) therefore focusses primarily on the Residential Suburban Zone, which covers much of the flat suburban

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land within Christchurch City – where it may be most likely that tiny houses will be located.

To check the zoning of a particular site simply click on the link below and enter the address into the search field. The key to the right side of the page will show the zoning of the site.

<http://districtplan.ccc.govt.nz/PropertySearch/PropertySearchContainer.html>

### 2.2 Where does a tiny house on wheels fit within the district plan?

The provisions of the district plan rely on a number of definitions to determine what rules are applicable to specific activities. First and foremost, a tiny house fits within the definition of “building” in the district plan. As is clear from the definition below, the fact that a tiny house may also be a vehicle and/or be moveable does not detract from that definition. Importantly too, this definition bears no relation to any definitions under the Building Code.

#### Building

means as the context requires:

- a. any structure or part of a structure whether permanent, moveable or immovable; and/or
- b. any erection, reconstruction, placement, alteration or demolition of any structure or part of any structure in, on, under or over the land;
- c. any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on-site as a residential unit or place of business or storage;

but does not include:

#### Reliant definitions

Banks Peninsula District  
Plan  
Ground level  
Height  
Public artwork  
Residential unit

Also of importance is that a tiny house will also typically fall within the following definition of residential unit:

#### Residential unit

means a self-contained building or unit (or group of buildings including accessory buildings) used for a residential activity by one or more persons who form a single household unit. For the purposes of this definition:

- a. a building used for emergency or refuge accommodation shall be deemed to be used by a single household;
- b. where there is more than one kitchen on a site (other than a kitchen in a family flat or a kitchenette provided as part of a bed and breakfast) there shall be deemed to be more than one residential unit;
- c. a residential unit may include no more than one family flat as part of that residential unit;
- a. a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods; and
- b. a residential unit may be used as a bed and breakfast.

#### Reliant definitions

Accessory building  
Bed and breakfast  
Building  
Family flat  
Residential activity  
Site

The implications of these definitions are that the rules of the district plan applying to buildings and to residential units also apply to tiny houses - there are no exemptions. This is consistent with the fact that tiny houses can still have environmental effects that need to be considered by Council.

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These include for example effects on neighbours' amenity (including how close the tiny house is to neighbours etc.), whether the site is subject to any natural hazards (e.g. flooding), whether there is sufficient parking and safe vehicular access, and whether there is adequate outdoor open space for the use of residents among others – the actual effects requiring consideration will vary on a case by case basis depending on the specifics of the tiny house and site.

It is noted that “minor residential unit” is not specifically defined in the district plan, though there are specific provisions that achieve the same effect (covered further below).

### 2.3 District Plan rules

The district plan prescribes specific rules relating to buildings and residential units. These include restrictions on the number of residential units on a site for example, and a range of built form standards that control where on a site a building or residential unit can be accommodated.

Where a rule is breached a resource consent is required. This involves preparing an application to submit to Council and Council assessing the proposal on its merits based principally on the effects of the activity and how it aligns with the objectives and policies of the district plan. The following link provides more detail about the resource consent process generally.

<http://www.qualityplanning.org.nz/index.php/consents>

#### a. Minimum lot and residential unit size – what does this mean for a TH?

In general terms there is the ability for an individual (residentially zoned) site to accommodate one residential unit (that residential unit can be a tiny house) as a permitted activity (i.e. without requiring a resource consent – subject to meeting built form standards and all other applicable rules – covered below). The second could theoretically be permitted as a minor residential unit if it meets the below conditions, but in practice is likely to require resource consent given it will typically be less than 35m<sup>2</sup> (this size doesn't apply to the principal house):

1. The existing site containing both units shall have a minimum net site area of 450m<sup>2</sup>.
2. The minor residential unit shall have a minimum gross floor area of 35m<sup>2</sup> and a maximum gross floor area of 80m<sup>2</sup>.
3. The parking areas of both units shall be accessed from the same access.
4. This requirement replaces the general outdoor living space requirements set out in Rule 14.4.2.5. There shall be a total outdoor living space on the existing site (containing both units) with a minimum area of 90m<sup>2</sup> and a minimum dimension of 5 metres. This total space can be provided as:
  1. a single continuous area; or
  2. be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m<sup>2</sup> in area.

Three or more tiny houses would always require resource consent (covered below).

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Regardless of number, the other rules of the district plan would also need to be complied with. Most salient would be natural hazards rules, which could impact any applications in certain parts of the city, particularly those prone to flooding.

### b. Built Form Standards

The district plan contains a range of built form standards that control the size and location of buildings within sites. These are available at:

<http://districtplan.ccc.govt.nz/pages/plan/book.aspx?exhibit=DistrictPlan>

Simply scroll down to and expand Chapter 14 in the left hand menu, then expand 14.4 and the list is under 14.4.2.

To avoid the need for resource consent you will need to comply with all of these standards where applicable. Summaries of the residential zone rules are also available via links at the bottom of the following page:

<https://ccc.govt.nz/consents-and-licences/resource-consents/before-you-apply/planning-zones-and-maps/>

While not exhaustive, some of the key built form standards relate to site coverage, boundary setbacks, recession planes (i.e. height in relation to boundary) and outdoor living space.

Even if you need a resource consent (for example the tiny house is a minor residential unit that breaches the minimum 35m<sup>2</sup> floor area), you may still wish to comply with these standards to the best extent practicable. This may give you the greatest chance of successfully obtaining resource consent – though in saying this, breaches of any of these standards are not necessarily detrimental to any application. Rather, each application must be assessed on its merits based on the nature of the activity and the specifics of the site. It is best not to look at the rules as prescriptive requirements that must be met, but rather simply as triggers for Council to consider effects. In many cases breaching these standards may be acceptable, particularly where such breaches are small, or where effects are insignificant.

If you have any specific questions about the nature of built form standards and how to interpret them Council has a duty planner available to assist with simple questions (email: [dutyplanner@ccc.govt.nz](mailto:dutyplanner@ccc.govt.nz)). Alternatively for more detailed site specific questions around the likelihood of an application being supported a pre-application meeting may be more appropriate (see <https://ccc.govt.nz/consents-and-licences/building-consents/before-you-build/pre-application-meetings/>).

### c. Parking

The district plan prescribes parking and vehicle access requirements. These are the same for tiny houses as with any house (under 150m<sup>2</sup>)– essentially one car park is required per residential unit/tiny house. Where a car park is not provided in a garage one cycle park shall be provided that is located in a covered and secure area easily accessible for residents. There are a range of other requirements relating to vehicle access and manoeuvring – these can be found in the aforementioned summary sheets for the respective zone at:

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<https://ccc.govt.nz/consents-and-licences/resource-consents/before-you-apply/planning-zones-and-maps/>

Where a tiny house is also a minor residential unit the parking areas of both units shall be accessed from the same access.

### d. Other potential district plan considerations

In addition to the above there are a number of other site specific matters that will be relevant for some but not all sites.

Noise protection:

If a residential building/tiny house is to be located within 80m of the boundary of a state highway or railway designation, or within 20 metres of the edge of the nearest marked traffic lane of a collector road, or within 40 metres of the edge of the nearest marked traffic lane of a Main Distributor, Local Distributor or arterial road there will be additional requirements around noise and acoustic insulation.

Natural hazards:

There are numerous natural hazards mapped within the district plan relating to flooding, liquefaction and slope instability. You can check whether a particular site is subject to natural hazards by clicking on the “Natural Hazards” tab above the map available at

<http://districtplan.ccc.govt.nz/PropertySearch/PropertySearchContainer.html>

For flat residential sites the most likely natural hazard you may come across relates to flooding, particularly in some of the low lying eastern parts of the City and in the vicinity of waterways. There are different categories of flood hazard within the district plan with different implications. For the *Flood Management Area* having an appropriate floor level will generally be sufficient and where this is achieved there may be no need for resource consent. In the *High Flood Hazard Management Area* there is a greater level of risk and it may be difficult to obtain resource consent.

Where there are natural hazards it would be advisable to discuss the implications of this with Council.

### e. More than three residential units / Residential Design Principles / Urban Design

When there are more than three or four units (depending on the zone), resource consent will be required with a specific assessment against the Residential Design Principles (Rule 14.15.1 of the Christchurch District Plan). An urban design expert usually does this assessment as the principles seek to ensure that all units together have adequate amenity and fit into the wider context. Tiny houses may not be able to achieve all of the principles but a good layout can assist in making the best of a site.

There are seven key principles under the Residential Design Principles:

- **City context and character** –New development needs to be in keeping with or complimentary to the surroundings, including any significant natural, cultural and historic features.
- **Relationship to the street and public open spaces** – – In order to create a safe and pleasant neighbourhoods to live in it is important that residential developments actively orientate towards street and publicly accessible

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spaces. Orientate front doors and windows to the street and access ways. Avoid blank façades facing these spaces.

- **Built form and appearance** – It is important to have buildings that relate to a human scale and avoid bulk and blankness using architectural elements and variety of materials.
- **Residential amenity** – A pleasant living environment provides a high level of internal and external residential amenity for occupants and neighbours. Consider outlook, access to sunlight, privacy, outdoor living spaces and landscaping for occupants and neighbours.
- **Access, parking and servicing** – Developments need to have a good balance between vehicle access, parking, pedestrian amenity and safety that does not dominate the street scene.
- **Safety** – Developments need to provide a safe and secure environment, incorporating Crime Prevention Through Environmental Design principles.
- **Hillside and small settlement areas** – It is important to be aware of the specific site conditions, responding to these unique characters such as topography and views.

### 2.4 How resource consent applications will be assessed

Given the range of scenarios covered above (which is not an exhaustive list) it is difficult to make generalised statements about how applications will be treated.

In the first instance though, if looking for a site with the aim of avoiding resource consent it would be best to find a vacant site on a quiet street that is not subject to any natural hazards and position a single tiny house in a location that avoids being too close to any site boundary.

Where this is not possible it is recommended that you discuss any plans with Council.

Where a tiny house is to be located on a site that already accommodates a residential unit, and the only reason for resource consent being required is that the tiny house is less than 35m<sup>2</sup>, the following (*italics*) are the matters that Council must consider in assessing the application, with commentary under each to provide further explanation:

#### 14.15.22 Minor residential units

Whether the minor *residential unit* is appropriate to its context taking into account:

1. *location of the minor residential unit so that it is visually hidden from the road leaving the site with a similar street scene to that of a single residential unit;*

This matter is to ensure the effects on the street scene are mitigated. If looking for a site one where the tiny house can be located in the back as opposed to front yard is more likely to succeed.

2. *the adverse visual effects associated with parking areas and access of any additional driveway to accommodate the minor residential unit on the street-scene;*

The parking areas of both units should be accessed from the same access point – this will reduce any effects of increased density on the street scene (i.e. it will be less clear

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that there is a higher density of development on the site, which will better maintain the low density that characterises the residential suburban zone).

3. *the size and visual appearance of the minor residential unit and its keeping with the existing level of buildings in rear gardens or rear sections surrounding the site;*

This matter has a dual purpose. One is to avoid overdevelopment of sites and ensure that uncharacteristically large buildings are avoided. This is less likely to be an issue with tiny houses. The other relates to the minimum unit floor area – where less than 35m<sup>2</sup> an assessment would need to be undertaken to ensure that the tiny house is of functional design and appropriate for residential occupation and that residents will have a suitably high level of on-site amenity. The minimum unit size provisions are not unique to Christchurch City, and in large part stemmed from issues around “shoebox” apartments in Auckland, which afforded a very low level of amenity. The rule also responds to a need to protect persons who are vulnerable from being exploited. In considering applications against this assessment matter Council would need to consider the floor space available and the internal layout and their ability to support the amenity of occupants, and whether there are any other on-site factors that would compensate for a reduction in unit sizes,

4. *the consistency of the number of bedrooms and level of occupancy with a single large residential unit;*

As a minor residential unit it should generally be of a smaller scale and subservient to the main house on site.

5. *the convenience of the location of outdoor living space in relation the respective residential units; and*

Tiny houses may have limited indoor space therefore the provision of accessible outdoor living space offering a high level of amenity will be critical to compensate for the lack of indoor living space

6. *the adequacy of size and dimension of the outdoor living space to provide for the amenity needs of future occupants.*

As above this will be critical where tiny houses are less than 35m<sup>2</sup> to compensate for the reduced indoor living space.

### **2.5 What consent costs are involved?**

The resource consent process is funded on a user pays basis and all costs incurred by Council in assessing the application are passed on at a rate of \$185 or \$205 per hour (this depends on the seniority of the person assessing the application). There is an initial fee of \$1500 (where there will be no more than 2 residential buildings in total on the site) – there will be an additional invoice or a refund if more or less time is spent. This initial fee is proposed to increase to \$2000 (approximately 10-12 hours of staff time) to better reflect the average cost of assessing applications. This is subject to public consultation and a decision by Council after hearing any public submissions.

### **2.6 How long do resource consents last?**



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In general resource consents exist in perpetuity, in which case the land owner can theoretically use the consent for any tiny house. In practice this will be dependent on the specific nature of the resource consent granted and any conditions imposed. For example if a consent is granted for a tiny house smaller than 35m<sup>2</sup> that is of high quality design, and that was a matter that was considered as part of the application, then a land owner may not necessarily enjoy the ability to utilise that resource consent for a similar sized tiny house that is of inferior design and functionality. It will be a matter of scope and degree and Council advice should be sought in such circumstances.

### Section Three: What Development Contribution costs are involved?

#### **3.1 What are development contributions?**

A development contribution is a one-off charge by the council. The money collected from development contributions pays for the cost of public infrastructure that is needed to meet the additional demand from growth. This includes network infrastructure such as stormwater, waste water, transport and reserves.

#### **3.2 When is a development contribution required?**

Development contributions apply to new and additional development. If a development is on a lot that was previously developed there will be existing use demand credits reflecting the previous use. E.g. a lot that previously contained three residential units will carry credits for that number of new units. Credits last 10 years after which they revert to a standard one credit per allotment.

The particular event that will give rise to the requirement for a development contributions is the granting of either a resource consent, building consent, certificate of acceptance or an authorisation for a service connection.

#### **3.3 How much will a development contribution requirement be?**

The cost depends on the location of a development. For a single additional residential unit in an existing urban area this is likely to be between \$11k and \$24k.

Residential units with a gross floor area of less than 100 square metres will normally receive an adjustment to the development contribution charge proportional to the gross floor area. For example a residential unit with a gross floor area of 60 square metres will pay 60% of the applicable development contribution.

If a development is providing its own infrastructure, and as a result places no demand on Council infrastructure, a development contribution will not be required for that activity i.e. if a residential unit will not connect to the Council's stormwater or wastewater networks a development contribution will only be required for the reserves, water supply and transport activities.

#### **3.4 Are development contributions required for temporary buildings?**

Following the Canterbury earthquakes, temporary buildings have been permitted to enable business continuity and housing for displaced residents. Temporary buildings are those:

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- Permitted or consented under section 6.4 of the Christchurch District Plan, or;
- As provided for under section 85 of the Greater Christchurch Regeneration Act.

The Council may waive a development contributions requirement for a temporary building for up to five years or until an application is received to make the building permanent, whichever comes first.

An extension of the temporary building exemption for up to two years (but not beyond the limit of the District Plan or legislative provision) may be considered. The Council may require any extension to include the use of an encumbrance instrument or memorandum of agreement. When an application is made for resource consent or building consent for a permanent development on the site, development contributions will be assessed taking into account any development contributions paid for the temporary development and any applicable existing demand credits.

Further information regarding development contributions can be found [here](#).

### Section Four: The Building Act, Building Code, and Building Consents

#### **4.1 When does the building code apply?**

The Building Code applies where a tiny house is a 'building' – see below.

#### **4.2 Is the 'Tiny House' a vehicle or a building?**

The question that is often asked is whether a tiny house is a vehicle. This is only part of the story, as it could be both a vehicle and a building, in which case the Building Act and Building Code apply.

For a tiny house to be a vehicle it must have the characteristics of a vehicle and durability of construction in terms of its capacity to be used as a vehicle. Just because a structure has some features of a vehicle, such as wheels, does not make it a vehicle for the purposes of the Building Act. The distinction between a 'building that is moveable' and a 'vehicle' is that a vehicle is used for transporting people or goods or must be powered by some form of combustion engine or self-propulsion. Simply because a tiny house is capable of being moved does not mean that it is considered to be a vehicle under the Act.

A vehicle does not need to be registered and warranted for the road to still be a vehicle, however that is a good indication that it is intended to remain a vehicle.

Any national guidance should come from the central regulator – the Ministry of Business, Innovation and Employment (MBIE). MBIE also issue determinations on various matters and there are a number that include the vehicles/buildings question. One of the latest of these is 2016/011 which includes a useful decision tree as an appendix.

Each decision as to whether a vehicle is a building or not needs to be considered on its individual merits.

#### **4.3 Do tiny houses require building consent?**

As long as it remains a vehicle, and it stays either mobile or not used on a long term basis then a building consent is not required.

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When building work that requires a building consent takes place, that consent is required before the work starts. Each application for building consent is assessed on its own merits and it is the responsibility of the designer to prepare plans that demonstrate how the work will comply with the Building Code.

If the building has been constructed elsewhere for the purpose of being a tiny house, then the designer will need to demonstrate how it complies with the Building Code (as well as the work happening on site).

The Council needs to be careful not to supplant the role of the designer so is limited to how much guidance can be given.

### **4.4 You've decided that the tiny house is not a building, but it's parked on a site and you want to connect to services:**

If a vehicle that is parked on a site is to be connected to services by an easily disconnected means, the services themselves will need building approval and are required to comply with the Building Code.

This will generally include a water supply and a sewer connection. If, for example, a gully trap is to be installed to collect foul water, that gully trap will need to include a means of charging so that the trap does not dry out even if the tiny house is not there. A simple way of achieving this is to place a hose tap above the gully trap. The drain line will also need to be vented and there are a large number of variables to how this is achieved.

If black water (i.e. from a toilet) is to be discharged, a quick-disconnect system (as would be expected in a camp ground for caravans or motorhomes) would be needed.

### **4.5 Building Code compliance**

The Building Code itself is performance based and is reasonably simplistic. Where many people err is in thinking that the Acceptable Solutions are Building Code requirements, whereas they are only one way of meeting the Code. For a tiny house it is often beneficial to consider alternative solutions and it is the designers' job to justify these.

### **4.6 Services**

Power connections

The Building Code provisions for electricity (G9) are primarily based on any electrical installation being safe. This also applies to gas (G11). Electricians and gasfitters are self-certifying.

Water use / connection to town water supply

Potable (drinking) water: Building Code clause G12 - Water Supplies does not specify that a house needs to connect to the public supply, however a potable water supply will be required for human consumption, food preparation, utensil washing and oral hygiene in order for the building to be sanitary.

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**Non-potable water:** Any non-potable supply needs to be clearly marked and be installed in a manner that avoids the likelihood of injury or illness. How this is to be achieved is the responsibility of the designer to determine.

### Waste water disposal

**Connection to sewerage system:** Building Code clause G13 requires that if a sewer system is available then then water-borne foul water needs to discharge to it. The Local Government Act 1974 Section 459 (7)(b) restricts the ability of the Council to require a connection of a building to the public drain if the nearest part of the building is more than 60 metres from the public drain, so for the vast majority of urban sites a drain will be required unless there is a special approval not to do so.

### Onsite grey water disposal systems

As above, water-borne foul water is usually required to be disposed of to a public drain. Any other option would need to be fully justified by the designer, including the reasons for a waiver of the Building Code.

### Composting toilets

Composting toilets do not use a water-borne drainage system so are not specifically required to be connected to a public drain. There is currently no Acceptable Solution to the Building Code for composting toilets, so it's the responsibility of the designer to demonstrate compliance with the performance requirements of the Code (clause G13). Although it is not referenced as a means of complying with the Building Code, there is an Australian/New Zealand Standard that a designer may find useful:

AS/NZS 1546.2:2008 -On-site domestic wastewater treatment units - Waterless composting toilets

## **4.7 Insulation**

The Building Code requirements for energy efficiency (H1) only apply where the energy is sourced from a network utility operator (i.e. a power company) or is from a depletable energy source (e.g. LPG, diesel etc.). If H1 does not apply, then the insulation can be to a lower standard but still must be sufficient to prevent condensation.

## **4.8 Stairs and barriers**

Key areas of non-compliance that can be seen in many tiny houses is the lack of handrails to stairs and inadequate barriers to stop people (in particular children) from falling. The Building Code requirements for stairs and barriers are not particularly onerous if a designer considers those requirements carefully and justify the reasons for the solutions that they propose.

## **4.9 Given their rise in popularity, has the council developed a strategy or approach to consenting tiny houses? If so, could you please provide this?**

From a building consent perspective a tiny house (where it is decided that it is a building) is treated like any other building. The New Zealand Building Code does not have different requirements for a tiny house so it is difficult to treat them any other

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way. As this is a nationwide issue, we would expect any changes to be led by central government, as they have the ability to change Building Act or Building Code requirements if they consider that is necessary and/or desirable.

### **4.10 Summary**

There are many variables with each situation which makes it difficult to provide advice that can cover all situations. It is the role of the designer to assess the specifics and propose a means of compliance.

The Building Act and the District Plan may well define what is a building quite differently as what they need to achieve differs. Whether a tiny house has an impact on the environment (and in particular neighbours) is quite a different question from whether it meets minimum standards for safety, sanitation and amenity.