



21 December 2012

~~WG~~

fyi-request-656-07f99d01@requests.fyi.org.nz

Dear WG

Thank you for your email of 29 November 2012 concerning an Official Information Act request. You asked the following about group dwellings in New Zealand.

**I am trying to establish whether the DBH used ANY priorly established criterion at all to determine whether the house in that Determination was a residential house or a group dwelling.**

**It seems that the DBH did not have any prior examples of large houses being regarded as group dwellings. It seems that the DBH did not rely on any prior established criteria for distinguishing between large residential houses and group dwellings. Up to 40 people may reside in a residential house under NZ law so numbers, as long as they are under 40, are not a criterion. Nor is the physical size of the house. The only distinction between a SHU and a group dwelling otherwise is whether they have a single group of people or multiple groups of people.**

**It seems that the DBH has never labelled ANY other large house a group dwelling and has, in effect, created a NEW category of large house as group dwelling.**

**Please answer each and every question I have asked without reference to the problematic Determination you have mentioned and based on examples BEFORE that Determination was made. Please explain on what prior evidence the DBH made the problematic Determination.**

The 'established criterion' you refer to in your request is the Building Code, which is Schedule 1 of the Building Regulations 1992. It is a publicly available document.

It is not clear what you mean by examples, or by 'DBH has never labelled ANY other large house a group dwelling', however, in terms of the functions of the Ministry and its predecessors under the Building Act, the Ministry has not made any other Determinations relating to Group Dwellings under section 188 of the Building Act, nor has it issued any Guidance about Group Dwellings under section 175 of the Building Act.

With respect to your question about 'on what prior evidence the DBH made the problematic Determination', determinations are made on a case by case basis, and must relate to particular matters or to a particular decision.

We, therefore, refuse your request for information under sections 18(d) and (g) of the Official Information Act 1982, on the basis that information that responds to your request is either already publicly available, or is not held by the Ministry.

You have the right under section 28(3) of the Act to ask the Ombudsman to investigate and review my decision to decline your request. The relevant contact details are as follows:

The Ombudsman  
Office of the Ombudsmen  
PO Box 10 152  
WELLINGTON 6143

Ph 0800 802 602  
[www.ombudsmen.parliament.nz](http://www.ombudsmen.parliament.nz)

This fully covers the information you requested.

Yours sincerely



Adrian Regnault  
Deputy Chief Executive, Building Quality