

# Determination 2023/025

**The authority's decision to issue a notice to fix for a container arch structure that was constructed without building consent**

**566 Aokautere Drive, Palmerston North**

## **Summary**

This determination considers the authority's decision to issue a notice to fix for a container arch structure that was constructed without building consent. The determination considers whether there was a contravention of section 40 of the Building Act 2004, which turns on whether the building work was exempt from the requirement for a building consent under clause 3A of Schedule 1. The determination also considers whether the owner is a specified person that has contravened the Building Act.

The legislation discussed in this determination is contained in Appendix A. In this determination, unless otherwise stated, references to “sections” are to sections of the Building Act 2004 (“the Act”).

The Act and the Building Code are available at [www.legislation.govt.nz](http://www.legislation.govt.nz). Information about the legislation, as well as past determinations, compliance documents (eg Acceptable Solutions) and guidance issued by the Ministry, is available at [www.building.govt.nz](http://www.building.govt.nz).

## 1. The matter to be determined

- 1.1. This is a determination made under due authorisation by me, Peta Hird, Principal Advisor Determinations, Ministry of Business, Innovation and Employment (‘the Ministry’), for and on behalf of the Chief Executive of the Ministry.<sup>1</sup>
- 1.2. The parties to the determination are:
  - 1.2.1. Terra Civil Limited, the recipient of the notice to fix and owner of the property who applied for the determination (“the owner”)
  - 1.2.2. Palmerston North City Council, carrying out its duties as a territorial authority or building consent authority (“the authority”).
- 1.3. This determination arises from the authority’s decision to issue a notice to fix for building work undertaken without consent. The building work consists of two shipping containers and an attached arch which spans the space between the containers and forms a sheltered area (“the container arch structure”).
- 1.4. The matter to be determined, under section 177(1)(b) and (3)(e), is the issue of the notice to fix to the owner on 2 June 2021, in as far as the notice relates to the container arch structure. In determining this matter, I must consider:
  - (a) whether there was a contravention of section 40, which turns on whether the building work was exempt from the requirement for a building consent under clause 3A of Schedule 1 of the Act
  - (b) whether the owner is a specified person who has contravened the Act, under section 164.

### Matters outside this determination

- 1.5. The determination does not consider the ten-bay shed which was also identified in the notice to fix as building work carried out without consent. The owner excluded this issue in their application, and the building work associated with the ten-bay

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<sup>1</sup> The Building Act 2004, section 185(1)(a) provides the Chief Executive of the Ministry with the power to make determinations.

shed was subject to a certificate of acceptance application at the time the determination was accepted.

1.6. Regarding the container arch structure, the determination does not consider:

1.6.1. whether the authority could have issued a discretionary exemption under clause 2 of Schedule 1, as no such exemption was sought prior to the building work being carried out

1.6.2. whether any other exemptions contained in Schedule 1 (other than clause 3A) could apply

1.6.3. whether there was a contravention of section 17 of the Act as alleged in the notice to fix, as the notice to fix does not set out the particulars of or basis for this allegation and the owner did not seek a determination in regard to this issue.

## 2. Building work

2.1. According to the owner, the building work was carried out in 2021. The structure was complete at the time of the authority's site visit, on 19 February 2021.<sup>2</sup>

2.2. The structure consists of two 12m x 2.4m shipping containers, connected with a metal frame covered by a uPVC tarpaulin that forms a roof ("the arch") (see Figure 1).



**Figure 1: Photograph of the container arch structure, taken by the authority on 19 February 2021.**

2.3. According to a set of plans submitted to the determination,<sup>3</sup> the highest point of the arch is approximately 3m above the shipping container roof height of 2.59m (see Appendix B). As such, the approximate height of the arch is 5.59m. As the

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<sup>2</sup> The authority's submission states that council officers attended the address on 2 February 2021. However, the site visit file note is dated 19 February 2021, and the photographs seem to have been taken on 19 February 2021.

<sup>3</sup> Page A.3 Rev R01 Dated 11 April 2022.

length of the containers is 12m and they are placed 8m apart, the area spanned by the arch is approximately 96m<sup>2</sup>. The total area of the structure (including the arch and the two containers) is approximately 153.6m<sup>2</sup>.

- 2.4. Although the plans show a foundation system using hold down nuts in concrete piers, the structure has not been secured in this way. Rather, the structure uses the weight of the containers (and any content in them) to resist wind load.
- 2.5. The arch consists of a “half moon light press steel roof” that is covered by a uPVC tarpaulin. The tarpaulin is tied to the frame with nylon ratchet tie-down straps.
- 2.6. The property is in a ‘high’ wind zone.<sup>4</sup> The container arch structure is located near the south-west boundary of the property, between the ten-bay shed and boundary with the neighbouring property. The authority states that the distance between the boundary fence and closest container was 500mm from the southernmost corner and 900mm from the northernmost corner of the container.
- 2.7. The owner states the use of the sheltered area under the arch is to “protect machinery from adverse weather conditions” and at times, for storage of livestock feed, grain and hay. The shipping containers are used to store workshop items, drainage equipment, farm pesticides/sprays and diesel/oil.

### 3. Background

- 3.1. At the time of the authority’s site visit, the property was owned by a different company (“the previous owner”). The ownership of the property was transferred to the current owner, Terra Civil Ltd, on 9 April 2021.<sup>5</sup>
- 3.2. The authority issued a series of notices to fix in relation to the structure, including:
  - 3.2.1. On 23 February 2021, the first notice to fix was issued to the previous owner.
  - 3.2.2. On 7 April 2021, the second notice to fix was issued to the previous owner.
  - 3.2.3. On 17 May 2021, the first and second notices to fix were withdrawn. A third notice to fix was issued to the current owner (under its previous name), which was returned to sender on or about 20 May 2021, with the addressee noted as “not known”.
  - 3.2.4. On 2 June 2021, the fourth notice to fix was issued to the current owner, Terra Civil Ltd. This is the notice to fix which is the subject of the determination.

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<sup>4</sup> According to [BRANZ Map \(arcgis.com\)](https://branzmap.arcgis.com), accessed 11 September 2023.

<sup>5</sup> The company was incorporated on 22 February 2021, and changed its name to Terra Civil Ltd on 20 May 2021 (based on information gathered from the [New Zealand Companies Register \(companiesoffice.govt.nz\)](https://companiesoffice.govt.nz), accessed 11 September 2023).

3.3. The notice to fix issued on 2 June 2021 stated:

Building work has been carried out without a consent. This work includes two metal shipping containers with an arch tying the two together and forming a sheltered area between the two... [this is] not in accordance with the Building Act 2004, including sections 17 & 40.

3.4. The notice stated that to remedy the contravention or non-compliance, the owner must:

1. Apply for a certificate of acceptance for the work done without consent. And;
2. Apply for a Building Consent for the foundations for the container/shed and other building work. Or;
3. Remove all building work done without consent.

3.5. The owner considered that the structure was either exempt from the requirement to obtain a building consent, or that the authority should grant a discretionary exemption.<sup>6</sup>

3.6. The owner first applied for a determination on 18 March 2022. This was accepted by the Ministry on 22 February 2023.

3.7. I note that the owner also applied for a certificate of acceptance for “a container site shelter curved roof between two shipping containers”, which was refused by the authority on 29 March 2023. The authority’s decision to refuse the certificate of acceptance is not the subject of this determination.

## 4. Submissions

### The owner

4.1. The owner considered that the notice to fix should not have been issued, because “shipping containers are perceived exempt from the building act and the mounted canvass [sic] roof area between the containers is less than 30 m<sup>2</sup>”.<sup>7</sup>

4.2. The owner considered that the issue seemed to be around how the footprint was measured; whether it included the arch only, given that shipping containers appear to be exempt from requiring a consent, or whether the roof area of the containers is also included once the arch is fixed to the containers.

4.3. In response to the Ministry’s query about which exemptions in Schedule 1 the owner considered to apply, the owner submitted that the structure is exempt under

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<sup>6</sup> As noted a paragraph 1.6.1, the determination does not consider whether the authority could have issued a discretionary exemption under clause 2 of Schedule 1, as no such exemption was sought prior to the building work being carried out.

<sup>7</sup> In the owner’s initial submission with their determination application, they stated the arch had an area of 96m<sup>2</sup> which aligns with the statement that the containers are 8m apart and 12m long. It is unclear why the owner later considered the arch to be under 30m<sup>2</sup>.

clause 3A of Schedule 1. They noted that one shipping container is positioned approximately 1m from the rural boundary (with the neighbour's permission), and that the arch "is approx 3.5m from the boundary being greater distance than the roof structure height".

- 4.4. The owner submits that the container arch structure takes a mere few hours to assemble and is low-risk work.

### **The authority**

- 4.5. The authority considers that "the structure as it stands is a building and that the spanning of the two metal shipping containers by the arch constitutes building work...". It submitted that several previous determinations, where two or more metal containers were tied together by being spanned in some form, all determined that to be building work.
- 4.6. The authority considered whether the requirements of clause 3A of Schedule 1 were met and concluded that the building work is not subject to the exemption. This is because the peak height of the canopy is 5.59m, the area of the containers and arch exceeds 30m<sup>2</sup>, and the structure is located less than its own height from the neighbouring boundary.
- 4.7. As such, the authority considered that building consent would have been required, and that it was appropriate to issue a notice to fix for the building work undertaken without consent.

## **5. Discussion**

- 5.1. In making a determination about the authority's decision to issue the notice to fix, I have considered:
- (a) whether there was a contravention of section 40, which turns on whether the work carried out to form the container arch structure was exempt from requiring a building consent under clause 3A of Schedule 1
  - (b) whether the owner is a specified person that has contravened the Act, under section 164.

### **Whether there was a contravention of section 40**

#### **Legislation**

- 5.2. The word 'building' is defined in section 8(1)(a) as "...a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels)...". As per section 7, 'building work'

includes work that is “for, or in connection with, the construction, alteration, demolition, or removal of a building”.

- 5.3. In this case, it is the connection of the arch to the containers that constitutes building work for the purpose of the Act. I note that there is no dispute between the parties that the container arch structure is a building, and that building work has been undertaken.
- 5.4. Section 40(1) provides that a person must not carry out any building work except in accordance with a building consent. Sections 41 and 42A provide as follows:

**41 Building consent not required in certain cases**

- (1) Despite section 40, a building consent is not required in relation to—
- (a) ...
  - (b) any building work described in Schedule 1 for which a building consent is not required (see section 42A);
- ...

**42A Building work for which building consent is not required under Schedule 1**

- (1) Despite section 40, subject to the conditions set out in subsection (2) and whether or not a building consent would otherwise have been required, a building consent is not required for building work in the following categories:
- (a) building work described in Part 1 of Schedule 1; or
- ...

- 5.5. Whether there has been a contravention of section 40 turns on whether the building work to construct the container arch structure was exempt under Schedule 1. The owner has relied on the exemption in clause 3A (which is in Part 1 of Schedule 1):

**3A Single-storey detached buildings exceeding 10, but not exceeding 30, square metres in floor area and constructed of lightweight building products**

- (1) Building work in connection with any detached building that—
- (a) is not more than 1 storey (being a floor level of up to 1 metre above the supporting ground and a height of up to 3.5 metres above the floor level); and
  - (b) exceeds 10 square metres in floor area, but does not exceed 30 square metres; and
  - (c) is built using lightweight building products for the walls and roof, and in accordance with Acceptable Solution B1/AS1 for timber or steel buildings; and
  - (d) does not contain sanitary facilities or facilities for the storage of potable water; and
  - (e) does not include sleeping accommodation, unless the building is used in connection with a dwelling and does not contain any cooking facilities; and
  - (f) if it includes sleeping accommodation, has smoke alarms installed.
- (2) However, subclause (1) does not include building work in connection with a building that is closer than the measure of its own height to any residential building or to any legal boundary.

**Is the container arch structure exempt under clause 3A?**

5.6. I will firstly address how the structure is measured for the purpose of establishing the height, distance from boundary and the floor area. Although the structure has been formed with simple components, when they are assembled they form a single structure that falls within the general definition of a 'building' under section 8(1)(a). This has been discussed in previous determinations, including Determination 2019/057, which states:

[5.7.7] In constructing the roof spanning the containers, the tenant has formed a larger structure (the building) of which the containers are a component part. I note that if building consent had been sought at the time or a certificate of acceptance applied for after the work was done, the authority would have had to consider the compliance of the building as a whole.<sup>8</sup>

5.7. In order for the exemption at clause 3A to apply, all of the criteria in clause 3A(1) are required to be met, and the building work must not be excluded under clause 3A(2). However, it is clear that the container arch structure does not meet the following criteria:

5.7.1. Clause 3A(1)(a): This subclause requires that the building is not more than 1 storey (being a floor level of up to 1m above the supporting ground and a height of up to 3.5m above the floor level).

The containers sit directly on the supporting ground and the approximate total height of the structure, at the peak of the arch, is 5.59m. Therefore, the structure does not meet the height requirement for this exemption.

5.7.2. Clause 3A(1)(b): This subclause requires that the building exceeds 10m<sup>2</sup> in floor area but does not exceed 30m<sup>2</sup>.

As the length of the containers is 12m and they are placed 8m apart, the area spanned by the arch is approximately 96m<sup>2</sup>. The total floor area of the entire structure (the arch and the two containers) is approximately 153.6m<sup>2</sup>.

The owner has queried whether the area is to be calculated using only the arch, or including both the containers and the arch. I note that either way, the structure is considerably larger than 30m<sup>2</sup>. However, as noted at paragraph 5.6, when the component parts of the structure are assembled they form a single structure. It is the floor area of the entire structure that is relevant, which is 153.6m<sup>2</sup>.

5.7.3. Clause 3A(2): This subclause excludes buildings that are closer than the measure of their own height to any residential building or any legal boundary.

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<sup>8</sup> Determination 2019/057 *Regarding the issue of a notice to fix for building work carried out without a building consent and over a property boundary* (20 November 2021).



The authority states that the distance between the boundary fence and the closest container was 500mm from the southernmost corner and 900mm from the northernmost corner of the container. The owner states that the container is approximately 1m from the boundary. I note the site plan (dated 11 April 2022) shows the nearest container to the property boundary at 3.619m from the boundary. Even using the greatest distance that has been given, because the overall height of the structure is approximately 5.59m, the structure is closer than the measure of its own height to the boundary. As such, the building work in connection with the container arch structure is excluded from the exemption.

The owner has also submitted that the structure is in a rural location and the neighbour has granted permission. The neighbour's permission may be relevant to other regulatory issues such as the district plan rules. However, the requirement that the structure is no closer than its own height to the legal boundary cannot be waived through the permission of the adjacent land owner.

5.8. In summary, the building work was not exempt under clause 3A of Schedule 1 because:

5.8.1. the height of the structure is greater than 3.5m

5.8.2. the floor area of the structure is greater than 30m<sup>2</sup>

5.8.3. the structure is positioned closer than the measure of its own height to the legal boundary of the property.

5.9. Accordingly, building work was undertaken without consent when consent was required, in contravention of section 40.

## **Whether the owner contravened the Act**

### **Legislation**

5.10. Section 164 of the Act concerns the issue of notices to fix. Section 164 states:

(1) This section applies if a responsible authority considers on reasonable grounds that –

(a) a specified person is contravening or failing to comply with this Act or the regulations (for example, the requirement to obtain a building consent); or

...

(2) A responsible authority must issue to the specified person concerned a notice (a notice to fix) requiring the person –

(a) to remedy the contravention of, or to comply with, this Act or the regulations; or

...

- 5.11. Section 163 defines “specified person” for the purpose of notices to fix. A specified person includes the owner of a building, and if a notice relates to building work being carried out, the person carrying out the work or any other person supervising the work.
- 5.12. The application of sections 163 and 164 was discussed by the High Court in *Waikato Regional Council v the District Court at Hamilton (‘Poseidon (HC)’)*.<sup>9</sup> The judge noted:

[34] I agree with the [District Court] Judge that s 163 has to be read together with s 164. Section 163 is a dedicated definition section—the operative provisions are found in s 164. Section 164 requires the responsible authority to issue to the specified person concerned a notice to fix if the responsible authority considers on reasonable grounds that the specified person is contravening or failing to comply with the Act or regulations.

### **Can a subsequent owner be issued a notice to fix?**

- 5.13. The issue of whether a subsequent owner can be issued a notice to fix was considered by the District Court in *Waikato Regional Council v Poseidon Holdings Limited (‘Poseidon (DC)’)*,<sup>10</sup> and in the recent judicial review of the decision (*Poseidon (HC)*). The *Poseidon* decisions considered whether a notice to fix could be issued to a subsequent owner for non-compliant building work that had been undertaken by the previous owner.
- 5.14. The District Court judge concluded that:

To hold a subsequent owner responsible to fix the defective work of a previous owner in those circumstances would, it appears to me to strain the ordinary meaning of the words “contravening”.<sup>11</sup>

- 5.15. In the judicial review of the decision, the High Court judge noted:

[40] Critically, the Act does not impose an obligation on a person who becomes the owner of a non-compliant building work to ensure that the building work is brought up to standard, so that it complies with the building code.

[41] The WRC submitted that if responsible authorities are unable to issue notices to fix on the current owners of property because the current owners did not undertake the non-compliant building work, authorities will be hindered in their ability to ensure compliance with the Act, the regulations and the building code, notwithstanding that this is one of their core functions. Further, it was submitted that, if the ability of responsible authorities to issue notices to fix is so limited, this creates a device for those wishing to avoid compliance. The unscrupulous could simply transfer ownership of their non-compliant building works to another entity.

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<sup>9</sup> [2023] NZHC 1271.

<sup>10</sup> [2021] NZDC 6951.

<sup>11</sup> [2021] NZDC 6951, at [76].

[42] There is force in these submissions. I accept that one of the primary purposes of the Act is to promote the accountability of owners, designers, builders and building consent authorities who have responsibilities for ensuring that building work complies with the building code. I also accept that building work that is not code compliant is contrary to the Act, that where building work is non-compliant, building consent authorities, can, in the circumstances set out in s 164(1), issue notices to fix, and that notices to fix can require a specified person to remedy the contravention of or the failure to comply with the Act and/or the regulations. This promotes one of the Act's purposes, namely providing for the regulation of building work to ensure that people who use buildings can do so safely and without endangering their health.

[43] I was enjoined by the WRC to take a purposive approach to the interpretation of the Act, as required by s 10(1) of the Legislation Act 2019. It requires that the meaning of legislation must be ascertained from its text in light of its purpose and its context. I am not however persuaded that the Act is so obscure or poorly drafted that I should add or imply obligations into the legislation which are not there. The Court should not fill gaps in legislation nor write in what the legislature has not thought fit to include unless the Court is able to do so after considering the purpose of the Act as a whole.

5.16. The judge went on to discuss various provisions in the Act which accommodate non-compliance with the Building Code, noting situations in which the building work, upgrade or change does not trigger a requirement to remedy the pre-existing non-compliance.<sup>12</sup> On the other hand, there are various situations in which the Act places an obligation on owners, regardless of the fact that the building may not have complied with the Act or code at the time that it was purchased by the owner.<sup>13</sup> In general, these situations involve the safety of users of the building, for example relating to means of escape from fire and dangerous or insanitary buildings.

5.17. The judge concluded that:

... the scheme of the Act suggests to me that the liability of owners, as defined, was considered by the drafters and that policy decisions were made in relation to the obligation of owners. I am not persuaded that there is a gap in the legislation as asserted by the WRC or that it is appropriate, by taking a purposive approach, to impose an obligation on current owners to remedy non-compliance by past owners.<sup>14</sup>

### **Is the owner a specified person that has contravened the Act?**

5.18. In the current determination, unconsented building work was carried out at the property prior to the authority's site visit, which appears to have been on 19 February 2021. At that time, the property was owned by the previous owner.

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<sup>12</sup> Including sections 42A(2)(b)(ii), 112(1)(b)(ii), 115(b)(ii)(B), 116(3)(b) and 116A(a) and (b)(ii).

<sup>13</sup> Including sections 112(1)(a), 100-111, 108, 116B, 124(2)(c), 113AL(2), 154(1)(c), 162C-162D, 362V(1) and 363(1).

<sup>14</sup> [2023] NZHC 1271, at [48].

The current owner (Terra Civil Ltd) did not exist at the time that the unconsented building work was undertaken.

5.19. The property was sold to the current owner on 9 April 2021.<sup>15</sup> The notice to fix that is the subject of this determination was issued to the current owner on 2 June 2021.

5.20. I have already established that there was a contravention of section 40 when the container arch structure was built without consent because consent was required. Although the contravention in this situation differs to that in *Poseidon*,<sup>16</sup> both situations concern the application of section 164, and specifically whether a notice to fix can be issued to a subsequent owner.

5.21. The High Court judge in *Poseidon* also made comment about the responsibilities of owners set out in section 14B of the Act. In regard to section 14B(a), the judge noted that:

An owner must obtain any necessary consents, approvals and certificates. This places obligations on **an owner who is him or herself carrying out building work or is getting others to undertake building work** that requires building consent or approvals or certificates.<sup>17</sup> [my emphasis]

5.22. It is clear from the High Court decision in *Poseidon* that a notice to fix cannot be issued to a person if they were not a specified person at the time the relevant building work was undertaken, because they cannot be said to have contravened the Act. Unlike the situations referred to in paragraph 5.16, the Act does not impose an obligation on a subsequent owner to remedy a previous owner's failure to obtain a building consent.

5.23. I acknowledge that in this case, it appears that the sole director and shareholder of both companies, at the relevant times, was the same person. In other words, it appears that the same person owned and operated the previous company (when the contravention occurred) and the new company (when the notice to fix was issued).<sup>18</sup> However, as per section 15 of the Companies Act 1993, "A company is a legal entity in its own right separate from its shareholders and continues in existence until it is removed from the New Zealand register." Companies are considered to be separate persons legally and are not liable for the acts of other companies, even if they have the same shareholders.

5.24. In conclusion, Terra Civil Ltd is an owner and therefore is a specified person under section 163. However, Terra Civil Ltd did not contravene the Act as provided under

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<sup>15</sup> I note that the company which is the current owner was incorporated on 22 Feb 2021, and changed its name to Terra Civil Limited on 20 May 2021.

<sup>16</sup> The *Poseidon* cases (DC and HC) were in relation to non-compliant building work in contravention of section 17, whereas this determination concerns unconsented building work in contravention of section 40.

<sup>17</sup> [2023] NZHC 1271, at [39].

<sup>18</sup> Based on information gathered from the [New Zealand Companies Register \(companiesoffice.govt.nz\)](https://companiesoffice.govt.nz/), accessed 11 September 2023.

section 164(1)(a), and there was no basis to issue a notice to fix to it under section 164(2)(a).

- 5.25. I note that a different conclusion may have been reached if the notice to fix had been issued to the person who carried out or supervised the building work, in addition to or instead of the owning company.

## **6. Conclusion**

- 6.1. The container arch structure was not exempt from the requirement for a building consent, as several criteria of clause 3A of Schedule 1 of the Act were not met. There was a contravention of section 40 because building work was undertaken without building consent when consent was required.
- 6.2. However, the notice to fix was issued to a subsequent owner, Terra Civil Limited, which is not the company that undertook the building work concerned. As Terra Civil Ltd had not contravened the Act, there was no basis to issue a notice to fix to it under section 164.

## **7. Decision**

- 7.1. In accordance with section 188 of the Building Act 2004, I reverse the authority's decision to issue the notice to fix dated 2 June 2021.

Signed for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment on 21 September 2023.

**Peta Hird**

**Principal Advisor Determinations**

## Appendix A: Building Act 2004

### 14B Responsibilities of owner

An owner is responsible for—

- (a) obtaining any necessary consents, approvals, and certificates:
- (b) ensuring that building work carried out by the owner complies with the building consent or, if there is no building consent, with the building code:
- (c) ensuring compliance with any notices to fix.

### 17 All building work must comply with building code

All building work must comply with the building code to the extent required by this Act, whether or not a building consent is required in respect of that building work.

### 163 Definitions for this subpart

In this subpart, unless the context otherwise requires,—

**responsible authority** means, as the context requires,—

- (a) building consent authority; or
- (b) a territorial authority; or
- (c) a regional authority

**specified person** means—

- (a) the owner of a building;
- (b) if a notice to fix relates to building work being carried out,—
  - (i) the person carrying out the building work; or
  - (ii) if applicable, any other person supervising the building work:
- (c) if a notice to fix relates to a residential pool, a person referred to in section 162C(4).

### Schedule 1: Building work for which building consent not required

#### 2 Territorial and regional authority discretionary exemptions

Any building work in respect of which the territorial authority or regional authority considers that a building consent is not necessary for the purposes of this Act because the authority considers that—

- (a) the completed building work is likely to comply with the building code; or
- (b) if the completed building work does not comply with the building code, it is unlikely to endanger people or any building, whether on the same land or on other property.

## Appendix B: Container arch structure

