

		Doc Ref	Building Team Section 72 Building Act 2004
		Date	July 2009

**BUILDING ACT - 2004 ISSUE OF A BUILDING CONSENT ON LAND THAT IS DESCRIBED IN SECTION 72 OF THE BUILDING ACT, NAMELY LAND THAT IS SUBJECT TO, OR IS LIKELY TO BE SUBJECT TO A NATURAL HAZARD**

**Note:** You should only sign this form if you are aware of the implications of a Section 72 notice on the title of your property and/or have taken legal advice.

I/We \_\_\_\_\_

Being the owner's in fee simple of the property situated at: \_\_\_\_\_

Lot: \_\_\_\_\_ DP: \_\_\_\_\_

Understand that the Council cannot issue Building Consent No: \_\_\_\_\_ in respect to the above property which is subject to, or likely to be subject to a natural hazard (\_\_\_\_\_)

Unless the consent is issued under Section 72 of the Act.

As a consequence, the Council is protected against any legal liability and must notify the District Land Registrar who will make an entry on the Certificate of Title.

I/We request that the Council issue the consent under Section 72, and understand that the Council fees of \$ \_\_\_\_\_ will be added to the building consent fees.

Signed: _____	Signed: _____
Date: _____	Date: _____
Daytime telephone number: _____	

**IMPORTANT - PLEASE NOTE**

The Building Act provides necessary controls on building work, in the public interest and with due regard to national costs and benefits. Territorial authorities are charged with the day-to-day application of those controls. Section 72 of the Building Act 2004 is concerned with land, which is subject to a range of hazards – flooding, slippage, and erosion for example. There are obvious difficulties in building on such hazardous land. Those difficulties affect not only owners but also territorial authorities, because they can be sued if they do not use reasonable skill and care in applying the Building Act. This creates a conflict of interest between an owner who wishes to build on hazardous land and the territorial authority, which could be liable for future damage to the building if it issues a building consent. Section 72 offers a solution by allowing, in certain situations, an owner to take the risk of building on hazardous land without exposing the territorial authority to future liability. This involves the territorial authority issuing a building consent subject to what is called “a condition” to the effect that: the territorial authority is protected against legal liability, and an entry is made on the certificate of title to the land put on record that the land is hazardous and that the territorial authority is protected from liability.

**(Statement issued by the Building Industry Authority – now the Department of Building and Housing)**

**Privacy Act 1993**

The personal information requested on this form is being collected by the Building Consent Authority so that we can process the Building Consent application referred to. This information is required by the Building Act.

This information will be held by Council. You may ask to check and correct any of this personal information if you wish. The personal information collected will not be shared with any Units of the Council not involved in processing the application. However under the Official Information and Meetings Act 1987 this information may be made available on request to parties within and outside the Council.