

BUILDING UNIT

Issue of a Building Consent on Land That is Subject to, or is Likely to be Subject to a Natural Hazard

Under *The Building Act 2004, Section 72*

Please submit this form by emailing to: buildinginfo@wmk.govt.nz

BC No.: _____

Please 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: _____ of the property situated at:

Site address:

(Street/Road.Township)

Lot:

DP:

Valuation Number:

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. This hazard is:

Erosion:

Falling debris:

Subsidence:

Inundation:

Slippage:

As a consequence, the Council is protected against any legal liability and must notify Land Information New Zealand (LINZ) who will make an entry on the Record of Title (formerly 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.

All owners of the affected property as listed on the Record of Title must sign this form.

Signed:

Date:

Signed:

Date:

Daytime telephone number(s): _____

Important information

The Building Act 2004 provides necessary controls on building work, in the public interest and with due regard to national costs and benefits. City and district councils (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 2004. 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 Record of Title to put on record that the land is hazardous and that the territorial authority is protected from liability.

(Statement issued by Department of Building and Housing - now the Ministry of Business Innovation and Employment, MBIE)

All the relevant information on this form is required to be provided under the *Building Act 2004* for the Waimakariri District Council to assess your application. Under this Act this information has to be made available to members of the public if requested. The information contained in this application may be made available to other units of the Council. You have the right to access the personal information held about you by the Council which can be readily retrieved. You can also request that the Council correct any personal information it holds about you.