

	<p><b>BUILDING ACT 2004</b>  <b>ISSUE OF A BUILDING CONSENT ON LAND</b>  <b>THAT IS DESCRIBED IN SECTION 72 OF</b>  <b>THE BUILDING ACT, NAMELY LAND THAT</b>  <b>IS SUBJECT TO, OR IS LIKELY TO BE</b>  <b>SUBJECT TO A NATURAL HAZARD</b></p>	<p><b>CONSENT NO:</b></p>
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**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 Statement: The information you provide in this application and any supporting documents will be used by the Clutha District Council to process your application under the Building Act of 2004 and may be shared with relevant government agencies. Any member of the public may, under the Local Government Official Information and Meetings Act 1987, request access to information held by the council. Under the Privacy Act 2020, you have the right to see and correct personal information that the council holds about you. If you would like a copy of the personal information we hold about you, or to have the information corrected, please contact us at help.desk@cluthadc.govt.nz or 0800 801 350