



Hurunui District Council

is a member of the



**CUSTOMER GUIDE TO
BUILDING CONSENTS ISSUED
UNDER S.72 OF THE BUILDING ACT 2004
(HAZARD AREAS)**



Your guide to submitting a hassle-free application under s.72 of the Building Act.

Includes information about:

- types of hazards;
- identifying hazard areas; and
- implications of building in a hazard area.

A member of the Mainland Building Consent Authorities Group

**BAM 405
Hurunui District Council
Building Department**

See our full range of Customer and Designer's Guides:

- BAM 401 **Customer Guide To Building New Dwellings**
- BAM 402 **Customer Guide To Dwelling Alterations & Additions**
- BAM 403 **Designer's Guide To Domestic Conservatories**
- BAM 404 **Customer Guide To Accessory Buildings**
- BAM 405 **Customer Guide To Building Consents Issued Under s.72 Of The Building Act 2004 (Hazard Areas)**
- BAM 406 **Customer Guide To Wet Area Showers**
- BAM 408 **Designer's Guide To Commercial Applications**
- BAM 410 **Customer Guide To the Building Consent Process**
- BAM 420 **Customer Guide To Solid & Liquid Fuel Heaters**
- BAM 421 **Customer Guide To Effluent Disposal**
- BAM 450 **Customer Guide To Relocating A Building**
- BAM 451 **Customer Guide To Demolition And/Or Removal Of A Building**
- BAM 453 **Customer Guide to Change of Use**
- BAM 454 **Customer Guide to Transportable Buildings**
- BAM 455 **Frequently Ask Questions**
- BAM 456 **Glossary of Terms**

Certified Builders Association of NZ Inc (CBANZ)
www.certified.co.nz

Registered Master Builders Federation Inc (RMBF)
www.masterbuilder.org.nz

New Zealand Institute of Architects (NZIA)
www.nzia.co.nz

Architectural Designers NZ Inc (ADNZ)
www.adnz.org.nz

Association of Consulting Engineers (ACENZ)
www.acenz.org.nz

BRANZ Ltd
www.branz.co.nz

NZ Institute of Quantity Surveyors Inc (NZIQS)
www.nziqs.co.nz

NZ Institute of Surveyors (NZIS)
www.surveyors.org.nz

Department of Building and Housing (DBH)
www.dbh.govt.nz

Institution of Professional Engineers (IPENZ)
www.ipenz.org.nz

NZ Institute of Building Surveyors Inc (NZIBS)
www.buildingsurveyors.co.nz

Consumers' Institute of New Zealand
www.consumerbuild.org.nz

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Useful websites

Notes:

Will a building consent be issued in these areas ?

Section 72 of the Building Act 2004 states that Council shall refuse to grant a building consent for the construction of a building or major alterations unless it is satisfied that adequate provision has been or will be made to protect the land or building work, or other property concerned from those hazards, or restore any damage to the land or property concerned that may result from the building work.

Where a building consent is applied for on land that is subject to one or more of the above hazards and the territorial authority considers that the building work itself will not accelerate, worsen, or result in erosion, subsidence, inundation etc, then the building consent can be issued subject to Section 72.

When a building consent is issued subject to Section 72, the Council *must* notify the District Land Registrar to arrange an endorsement on the Certificate of Title advising that the consent has been issued pursuant to Section 72 of the Building Act 2004..

If I apply for a building consent in a known hazard area will I need to have a report from a Geotechnical Engineer or Hydrologist ?

Unless the work is of a minor nature you may need a report from one of these professionals. You should check with the Council prior to lodging a building consent.

What are the implications of having a Section 72 on the Certificate of Title ?

If there is a Section 72 endorsement on the Certificate of Title and the building is subsequently damaged by a hazard event then the owner, and subsequent owners, cannot claim against the Council for issuing the consent.

“The existence of an entry under Section 74 of Building Act 2004 may limit statutory natural disaster insurance. Refer Clause 3(d) of Third Schedule to the Earthquake Commission Act 1993.”

You are strongly advised to contact your solicitor, insurance company or the Earthquake Commission if you are purchasing a property in these areas or you are planning on doing any alterations or additions in the future.

Please Note: *Section 36 of the Building Act 1991 covered natural hazards. Prior to the Building Act 1991 all building permits were issued under the Local Government Act 1974. Section 641(A) of the Local Government Act is similar to Section 72 of the Building Act so check your Certificate of Title for any relevant endorsement.*

How do I know whether there is already a hazard-related endorsement on the Certificate of Title ?

You need to obtain a copy of the Certificate of Title from Land Information New Zealand.

Will all building consents in hazard areas be issued subject to Section 72 ?

Not necessarily. Section 72 allows the Council to issue a building consent if it is satisfied that adequate provision has been made either to protect the land or building work or other property from the hazard or to restore any damage to the land or other property arising out of the building work.

Additionally Section 72 only applies to the construction of a building or major alterations to a building. While there is no definition of major alterations, the Council considers that the installation of domestic fires and minor interior alterations would not attract action under Section 72.

The Council strongly recommends that you or your advisors discuss your proposals with our Consents staff prior to lodging your building consent application.

Can a Section 72 endorsement be entered on my Certificate of Title if I don't apply for a building consent ?

No.

There are two copies of the Certificate of Title. Do both copies get endorsed ?

The original is held by the District Land Registrar. Only the copy held by the District Land Registrar is required to be endorsed.