

Building (Forms) Regulations 2004

(SR 2004/385)

Pursuant to section 402 of the Building Act 2004, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Building Issues, makes the following regulations.

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1 Title

These regulations are the Building (Forms) Regulations 2004.

Note

These regulations are administered in the Department of Building and Housing.

2 Commencement

- (1) These regulations (except regulations 5 and 8 and Part 2 of the Schedule) come into force on 30 November 2004.
- (2) Regulations 5 and 8 and Part 2 of the Schedule come into force on 31 March 2005.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires.
Act means the Building Act 2004
form means a form set out in the Schedule.
- (2) A reference to a numbered form in these regulations is a reference to that form set out in the Schedule.

Forms**4 Form of agreement between residential property developer and purchaser**

An agreement between a residential property developer and a purchaser of a household unit under section 364(2) of the Act (which relates to a transfer without a code compliance certificate) must be in form 1.

5 Other forms

The forms specified in the first column of the following table must be used in respect of the matters specified in the third column:

Form	Relevant section(s) of Act	Matter
2	33, 45	Application for project information memorandum and/or building consent
3	36	Development contribution notice

Form	Relevant section(s) of Act	Matter
4	37	Certificate attached to project information memorandum
5	51	Building consent
6	92	Application for code compliance certificate
7	95	Code compliance certificate
8	97	Application for certificate of acceptance
9	99	Certificate of acceptance
10	105	Compliance schedule statement
11	106	Application for amendment to compliance schedule
12	108	Warrant of fitness
12A	108	Certificate of compliance with inspection, maintenance, and reporting procedures
13	164, 165	Notice to fix
14	178	Application for determination
15	363A(1)	Application for certificate for public use
16	363A(3)	Certificate for public use

Form 12A was inserted, as from 31 March 2005, by regulation 3 Building (Forms) Amendment Regulations 2005 (SR 2005/31).

Forms 15 and 16 were inserted, as from 21 July 2005, by regulation 3 Building (Forms) Amendment Regulations (No 2) 2005 (SR 2005/170).

General provisions on forms

6 Use of forms

- (1) Form 1 may not contain any differences from the form that is prescribed.
- (2) Use of any other form is not invalid only because it contains minor differences from a form prescribed by these regulations as long as the form that is used—
 - (a) has the same effect as the prescribed form and is not misleading; and
 - (b) contains all the information required by the prescribed form and the information is in the same order as appears on the prescribed form.

7 Forms must be accompanied by documents required by forms

- (1) A form must be accompanied by a document that is required to be attached to the form.
- (2) The document referred to in subclause (1) is part of the form.

Revocation

8 Revocation

- (1) The Building Regulations 1992 (SR 1992/150) are revoked.
 - (2) However, despite the revocation of the Building Regulations 1992,—
 - (a) regulation 3 and Schedule 1 of those regulations continue in force; and
 - (b) so much of regulation 4 and Schedule 2 of those regulations as relate to forms 16 (application for approval as an individual building certifier) and 17 (application for approval as a corporate building certifier) continue in force and apply for the purposes of section 441 of the Act until 31 May 2006.
-

**Schedule
Forms**

rr 4, 5

1

**Agreement between residential property
developer and purchaser**

*Form 1—Agreement between residential
property developer and purchaser*

Section 364(2), Building Act 2004

Information for purchasers

- (1) Signing this form is optional.
- (2) You should take independent legal advice before signing this form.
- (3) Before signing this form, you should consider—
 - (a) the effect that the absence of a code compliance certificate for the household unit may have on you; for example,—
 - (i) will you be able to insure the household unit?
 - (ii) will you be able to draw down mortgage finance for the purchase of the household unit?
 - (iii) will you be able to sell the household unit?
 - (b) whether you (instead of the developer) will have to pay a development contribution to obtain the code compliance certificate; and
 - (c) the extent of the work required to obtain the code compliance certificate.
- (4) If you sign this form, then you must apply for a code compliance certificate for the household unit as soon as practicable after all building work to be carried out under the building consent for the household has been completed.

This agreement is made on *[insert date]*

This agreement is made between—

[insert full name and address]

(residential property developer)

and

[insert full name and address]

(purchaser)

(together the parties)

The residential property developer and the purchaser have entered or intend to enter into a contract for the sale and purchase of *[insert street address of household unit]* **(household unit)** dated *[insert date of contract, if any]* **(contract)**.

1—*continued*
Form 1—*continued*

Background

As at the date of this agreement, a building consent has been granted in relation to the household unit but a code compliance certificate has not been issued.

Section 364(1) of the Building Act 2004 (Act) provides that a residential property developer commits an offence if that developer completes a sale of the household unit or allows the purchaser into possession of the household unit before a code compliance certificate has been issued for the household unit, unless the parties enter into an agreement in accordance with section 364(2) of the Act.

The parties wish to enter into this agreement under section 364(2) of the Act to enable the residential property developer to complete a sale of the household unit or to allow the purchaser of the household unit to enter into possession of the household unit before a code compliance certificate has been issued in relation to the household unit.

Agreement

- (1) In consideration of entering into the contract, the parties agree that the residential property developer may, before a code compliance certificate has been issued in relation to the household unit,—
- *(a) complete the sale of the household unit;
 - *(b) allow the purchaser to enter into possession of the household unit.
- (2) If there is any conflict between this agreement and the contract, the provisions of this agreement prevail.

Signed by the residential)
property developer in the)	Signature of residential
presence of)	property developer

.....
Witness signature

.....
Full name

.....
Address

1—*continued*
Form 1—*continued*

.....
Occupation

Signed by the purchaser)

in the presence of)

.....
Signature of purchaser

.....
Witness signature

.....
Full name

.....
Address

.....
Occupation

*Delete if inapplicable.

Form 1 was amended, as from 21 July 2005, by regulation 4 Building (Forms) Amendment Regulations (No 2) 2005 (SR 2005/170), by inserting the words “This agreement is made on [*insert date*]” immediately above the words “This agreement is made between—”.

2

Other forms

*Form 2—Application for project information
memorandum and/or building consent**Section 33 or section 45, Building Act 2004***The building**

Street address of building: *[for structures that do not have a street address, state the nearest street intersection and the distance and direction from that intersection]*

Legal description of land where building is located: *[state legal description as at the date of application and, if the land is proposed to be subdivided, include details of relevant lot numbers and subdivision consent]*

Building name:

Location of building within site/block number: *[include nearest street access]*

Number of levels: *[include ground level and any levels below ground]*

Level/unit number:

Area: *[total floor area; indicate area affected by the building work if less than the total area]*

Current, lawfully established, use: *[include number of occupants per level and per use if more than 1]*

Year first constructed:

The owner

Name of owner: *[include preferred form of address, eg, Mr, Miss, Dr, if an individual]*

*Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

The following evidence of ownership is attached to this application: *[copy of certificate of title, lease, agreement for sale and purchase, or other document showing full name of legal owner(s) of the building]*

†Agent

†Name of agent: *[only required if application is being made on behalf of the owner]*

2—continued
Form 2—continued

*Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

Relationship to owner: *[state details of the authorisation from the owner to make the application on the owner's behalf]*

First point of contact for communications with the council/building consent authority: *[state full name, mailing address, phone number(s), facsimile number(s) and email address(es) ‡]*

Application

I request that you issue a †project information memorandum/†project information memorandum and building consent/†building consent for the building work described in this application.

Signature of †owner/†agent on behalf of and with the authority of the owner:

Date:

space for council use

The project

Description of the building work:

Will the building work result in a change of use of the building?

†Yes/†No

†If Yes, provide details of the new use:

Intended life of the building if less than 50 years:.....years

List building consents previously issued for this project (if any):

Estimated value of the building work on which the building levy will be calculated (including goods and services tax): \$*[state estimated value as defined in section 7 of the Building Act 2004]*

§Project information memorandum

The following matters are involved in the project:

†Subdivision

†Alterations to land contours

†New or altered connections to public utilities

2—continued
Form 2—continued

- †New or altered locations and/or external dimensions of buildings
- †New or altered access for vehicles
- †Building work over or adjacent to any road or public place
- †Disposal of stormwater and wastewater
- †Building work over any existing drains or sewers or in close proximity to wells or water mains
- †Other matters known to the applicant that may require authorisations from the territorial authority: *[specify]*

||(Building consent

¶The following plans and specifications are attached to this application:

The building work will comply with the building code as follows:

Clause	Means of compliance	Waiver/modification required
[list relevant clause numbers of building code]	[refer to the relevant compliance document(s) or detail of alternative solution in the plans and specifications]	[state nature of waiver or modification of building code required]

||Compliance schedule

- †The specified systems for the building are as follows: *[specified systems are defined in regulations]*
- †The following specified systems are being altered, added to, or removed in the course of the building work:
- †There are no specified systems in the building.

†Attachments

The following documents are attached to this application:

- †Plans and specifications *[list]*
- †Project information memorandum
- †Development contribution notice
- †Certificate attached to project information memorandum

*Delete if the applicant is an individual.

||Delete if inapplicable.

‡Contact details must be in New Zealand.

§Delete this section if this is an application for a building consent only.

||Delete this section if this is an application for a project information memorandum only.

¶All plans and specifications must meet the minimum requirements set out in the regulations or required by the building consent authority.

Form 2 was amended, as from 31 March 2005, by regulation 4(1)(a) Building (Forms) Amendment Regulations 2005 (SR 2005/31) by substituting the heading “||Compliance schedule” for the heading “Compliance schedule”.

2—*continued*
Form 2—*continued*

Form 2 was amended, as from 31 March 2005, by regulation 4(1)(b) Building (Forms) Amendment Regulations 2005 (SR 2005/31) by substituting the heading “†Attachments” for the heading “Attachments”.

Form 3—Development contribution notice

To: *[name and address of owner]*

A code compliance certificate for the building work referred to in the attached project information memorandum will not be issued until a development contribution of \$..... is paid. The development contribution must be paid to *[name of territorial authority and address of place/s where payment can be made]*.

If the development contribution is not paid,—

- (a) the Council may, under section 208(b) of the Local Government Act 2002, withhold the code compliance certificate that would be issued under section 95 of the Building Act 2004;
- (b) the building consent authority, under section 94(4) of the Building Act 2004, must refuse to issue a code compliance certificate for the building work until it has received—
 - (i) evidence that the development contribution has been paid or made by the owner to the Council; or
 - (ii) a copy of a written agreement between the owner and the Council that the code compliance certificate may be issued;
- (c) the Council may, under section 208(d) of the Local Government Act 2002, register the development contribution under the Statutory Land Charges Registration Act 1928 as a charge on the title of the land in respect of which the development contribution was required.

Signature:

Position:

On behalf of: *[name of Council]*

Date:

2—continued

*Form 4—Certificate attached to project
information memorandum*

Section 37, Building Act 2004

**Restrictions on commencing building work under the Resource
Management Act 1991**

The building work referred to in the attached project information memorandum is also required to have the following resource consents under the Resource Management Act 1991:

[list resource consents required]

As these resource consents will or may materially affect the building work to which the attached project information memorandum relates, until they have been granted *no building work may proceed/*building work may only proceed to the extent stated below:

Failure to comply with the requirements of this notice may result in legal action being taken against you under the Resource Management Act 1991

Signature:

Position:

On behalf of: *[name of Council]*

Date:

*Delete if inapplicable.

2—continued

Form 5—Building consent

Section 51, Building Act 2004

The building

Street address of building:

Legal description of land where building is located:

Building name:

Location of building within site/block number:

Level/unit number:

The owner

Name of owner:

*Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

First point of contact for communications with the building consent authority:
[state fill name, mailing address, and any phone number(s), facsimile
number(s), and email address(es)†]

Building work

The following building work is authorised by this building consent:

This building consent is issued under section 51 of the Building Act 2004.

This building consent does not relieve the owner of the building (or proposed building) of any duty or responsibility under any other Act relating to or affecting the building (or proposed building). This building consent also does not permit the construction, alteration, demolition, or removal of the building (or proposed building) if that construction, alteration, demolition, or removal would be in breach of any other Act.

‡This building consent is subject to the following conditions:

§(a) the building must be altered, removed, or demolished on or before the end of [insert number] years from the date of issue of this consent (being the specified intended life of the building); and

‡(b) [state any other conditions]

Compliance schedule

A compliance schedule ‡is/‡is not required for the building.

2—*continued*
Form 5—*continued*

‡The compliance schedule must contain the following specified systems and comply with the performance standards for those systems required by the building code: *[list required systems]*

‡**Attachments**

Copies of the following documents are attached to this building consent:

‡Project information memorandum number.....

‡Development contribution notice

‡Certificate attached to project information memorandum

Signature:

Position:

On behalf of: *[name of building consent authority]*

Date:

*Delete if the applicant is an individual.

†Contact details must be in New Zealand.

‡Delete if inapplicable.

§Delete if the building is intended to have a life of 50 years or more.

Form 5 was amended, as from 31 March 2005, by regulation 4(2) Building (Forms) Amendment Regulations 2005 (SR 2005/31) by substituting the heading “‡Attachments” for the heading “Attachments”.

*Form 6—Application for code compliance
certificate*

2—continued
Form 6—continued

Section 92, Building Act 2004

The building consent

Building consent number:

Issued by: *[name of building consent authority that granted building consent]*

***The owner**

Name of owner: *[include preferred form of address, eg, Mr, Miss, Dr, if an individual]*

†Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

The following evidence of ownership is attached to this application: *[copy of certificate of title, lease, agreement for sale and purchase, or other document showing full name of legal owner(s) of the building]*

‡Agent

Name of agent: *[only required if application is being made on behalf of the owner]*

§Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

Relationship to owner: *[state details of authorisation from the owner to make the application on the owner's behalf]*

First point of contact for communications with the building consent authority:
[state full name, mailing address, phone number(s), facsimile number(s) and email address(es)]

2—continued
Form 6—continued

Application

All building work to be carried out under the above building consent was completed on *[insert date]*

The personnel who carried out the building work are as follows: *[list names, addresses, phone numbers, and (where relevant) registration numbers]*

The following specified systems are contained on the compliance schedule for the building and, in the opinion of the personnel who installed them, are capable of performing to the performance standards set out in the building consent:

[list specified systems]

I request that you issue a code compliance certificate for this work under section 95 of the Building Act 2004.

The code compliance certificate should be sent to: *[state which address, and whether owner or agent]*

Signature of ¶owner/¶agent on behalf of and with the authority of the owner:

Name of person signing:

Date:

Attachments

The following documents are attached to this application:

¶Certificates from the personnel who carried out the work

¶Certificates that relate to the energy work

¶Evidence that specified systems are capable of performing to the performance standards set out in the building consent

*Delete this section if details have not changed from the building consent.

†Delete if owner is an individual.

‡Delete this section if the application is not being made on behalf of the owner.

§Delete if the agent is an individual.

||Contact details must be in New Zealand.

¶Delete if inapplicable.

2—continued

Form 7—Code compliance certificate

Section 95, Building Act 2004

The building

Street address of building:

Legal description of land where building is located:

Building name:

Location of building within site/block number:

Level/unit number:

Current, lawfully established, use: *[include number of occupants per level and per use if more than 1]*

Year first constructed:

The owner

Name of owner:

*Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

First point of contact for communications with the building consent authority:
[state full name, mailing address, phone number(s), facsimile number(s), and email address(es) †]

Building work

Building consent number:

Issued by: *[name of building consent authority that issued the building consent]*

Code compliance

The building consent authority named below is satisfied, on reasonable grounds, that—

(a) the building work complies with the building consent; and

‡(b) the specified systems in the building are capable of performing to the performance standards set out in the building consent.

2—continued
Form 7—continued

‡**Attachment**

*Compliance schedule

Signature:

Position:

On behalf of: [*name of building consent authority*]

Date:

*Delete if the applicant is an individual.

†Contact details must be in New Zealand.

‡Delete if inapplicable.

2—continued

**Form 8—Application for certificate of
acceptance**

Section 97, Building Act 2004

The building

Street address of building: *[for structures that do not have a street address, state the nearest street intersection and the distance and direction from that intersection]*

Legal description of land where building is located: *[state legal description as at the date of application and, if the land is proposed to be subdivided, include details of relevant lot numbers and subdivision consent]*

Building name:

Location of building within site/block number: *[include nearest street access]*

Number of levels: *[include ground level and any levels below ground]*

Level/unit number:

Area: *[total floor area—indicate area affected by the building work if less than the total area]*

Current, lawfully established, use: *[include number of occupants per level and per use if more than 1. If use was changed by the building work this application relates to, state previous use.]*

Year first constructed:

The owner

Name of owner: *[include preferred form of address, eg, Mr, Miss, Dr, if an individual]*

*Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

The following evidence of ownership is attached to this application: *[copy of certificate of title, lease, agreement for sale and purchase, or other document showing full name of legal owner(s) of the building]*

2—continued
Form 8—continued

†Agent

Name of agent: *[only required if application is being made on behalf of the owner]*

‡Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

Relationship to owner: *[state details of authorisation from owner to make the application on the owner's behalf]*

First point of contact for communications with the council: *[state full name, mailing address, phone number(s), facsimile number(s) and email address(es)]*

Application

I request that you issue a certificate of acceptance for the building work described in this application.

Signature of ||owner/||agent on behalf of and with the authority of the owner:

Date:

space for council use

Building work

Description of the building work:

Date building work carried out:

The personnel who carried out the building work are as follows: *[list names, addresses, phone numbers, and (where relevant) registration numbers]*

Did the building work result in a change of use of the building?

||Yes/||No

||If Yes, provide details of the new use:

Intended life of the building if 50 years or less:years

List building consents previously issued for this project (if any):

2—continued
Form 8—continued

¶[Estimated value of the building work on which building levy will be calculated (including goods and services tax): \$ *[state estimated value as defined in section 7 of the Building Act 2004]*

**The following plans and specifications are attached to this application:

Reasons why a certificate of acceptance is required:

||The owner, or the owner's predecessor in title, carried out building work for which a building consent was required, but a building consent was not obtained because: *[explain in detail]*

||A building consent could not practicably be obtained in advance because the building work had to be carried out urgently: *[delete one of the following]*

||(a) for the purpose of saving or protecting life or health or preventing serious damage to property as follows: *[explain in detail]*

||(b) in order to ensure that a specified system was maintained in a safe condition or made safe as follows: *[explain in detail]*

||The building consent authority that granted the building consent is unable or refuses to issue a code compliance certificate in relation to the building work, and no other building consent authority will agree to issue a code compliance certificate for the building work: *[state details of name of building consent authority and building consent granted]*

Compliance schedule

||The specified systems for the building are as follows: *[specified systems are defined in regulations]*

||The following specified systems were altered, added to, or removed in the course of the building work:

||There are no specified systems in the building.

Attachments

The following are attached to this application:

||Project information memorandum

||Plans and specifications

||Certificates from personnel who carried out the building work

||Energy work certificate

2—*continued*
Form 8—*continued*

*Delete if the applicant is an individual.

†Delete this section if the application is not being made on behalf of the owner.

‡Delete if the agent is an individual.

§Contact details must be in New Zealand.

||Delete if inapplicable.

¶Delete if inapplicable. only applies if an application for a certificate of acceptance is made under section 96(I)(a) of the Building Act 2004.

**All plans and specifications must meet the minimum requirements set out in the regulations or any other requirements of the building consent authority.

Form 8 was amended, as from 31 March 2005, by regulation 4(3) Building (Forms) Amendment Regulations 2005 (SR 2005/31) by substituting the words “**The following plans and specifications are attached to this application:” for the words “**The following are attached to this application:”.

2—continued

Form 9—Certificate of acceptance

Section 99, Building Act 2004

The building

Street address of building:

Legal description of land where building is located:

Building name:

Location of building within site/block number:

Level/unit number:

The owner

Name of owner:

*Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

First point of contact for communications with the council: [*state full name, mailing address, phone number(s), facsimile number(s) and email address(es)†*]

Acceptance of compliance

The territorial authority named below is satisfied, to the best of its knowledge and belief and on reasonable grounds, that, insofar as it can ascertain, the building work described below complies with the building code:

‡The territorial authority was only able to inspect the following parts of the building work and this certificate is qualified as follows:

Nothing in this certificate limits the requirement that a person must not carry out building work except in accordance with a building consent, nor does it relieve any person from the requirement to obtain a building consent for building work.

‡Attachments

‡Compliance schedule

2—*continued*
Form 9—*continued*

Signature:

Position:

On behalf of: [*name of territorial authority*]

Date:

*Delete if the owner is an individual.

†Contact details must be in New Zealand.

‡Delete if inapplicable.

2—continued

Form 10—Compliance schedule statement

Section 105, Building Act 2004

The building

Street address of building:

Legal description of land where building is located:

Building name:

Location of building within site/block number:

Level/unit number:

Current, lawfully established, use:

Year first constructed:

The owner

Name of owner:

*Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

Specified systems

The following specified systems are covered by the compliance schedule for this building:

The compliance schedule is kept at:

Signature:

Position:

On behalf of: *[name of territorial authority]*

Date

This statement is valid for 12 months after the date stated above.

*Delete if the owner is an individual

Form 10 was amended, as from 31 March 2005, by regulation 4(4) Building (Forms) Amendment Regulations 2005 (SR 2005/31) by substituting the words “*Delete if the owner is an individual.” for the words “*Delete if the applicant is an individual.”.

2—continued

**Form 11—Application for amendment to
compliance schedule***Section 106, Building Act 2004***The building**

Street address of building: *[for structures that do not have a street address, state the nearest street intersection and the distance and direction from that intersection]*

Legal description of land where building is located: *[state legal description as at the date of application, and if the land is proposed to be subdivided, include details of relevant lot numbers and subdivision consent]*

Building name:

Location of building within site/block number: *[include nearest street access]*

Level/unit number:

Current, lawfully established, use: *[include number of occupants per level and per use if more than 1]*

The owner

Name of owner: *[include preferred form of address, eg, Mr, Miss, Dr, if an individual]*

*Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

Evidence of ownership: *[copy of certificate of title, lease, agreement for sale and purchase, or other document showing full name of legal owner(s) of the building]*

†Agent

Name of agent: *[only required if application is being made on behalf of the owner]*

‡Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

2—*continued*
Form 11—*continued*

Facsimile number:

Email address:

Website:

Relationship with owner: *[state details of authorisation from owner to make the application on the owner's behalf]*

First point of contact for communications with the council: *[state full name, mailing address, phone number(s), facsimile number(s) and email address(es)]*

Application

I request that the compliance schedule for the above building be amended as follows:

Specified system	amendment	Reason <i>[state why amendment is required to ensure that the specified system meets the performance standards]</i>
------------------	-----------	--

Attachments

Copy of existing compliance schedule

Signature of ||owner/||agent on behalf of, and with the authority of, the owner:

Date:

*Delete if the owner is an individual.

†Delete this section if the application is not being made on behalf of the owner.

‡Delete if the agent is an individual.

§Contact details must be in New Zealand.

||Delete if inapplicable.

2—continued

*Form 12—Warrant of fitness**Section 108, Building Act 2004***The building**

Street address of building:

Legal description of land where building is located:

Building name:

Location of building within site/block number:

Level/unit number:

Current, lawfully established, use: *[include number of occupants per level and per use if more than 1]*

Year first constructed:

Intended life of the building if 50 years or less:years

Highest fire hazard category for building use: *[state number]***The owner**

Name of owner:

*Contact person:

Mailing address:

Street address/registered office:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

Website:

‡AgentName of agent: *[only required if warrant is being supplied on behalf of the owner]*

§Contact person:

Mailing address:

Phone number:

Daytime:

After hours:

Facsimile number:

Email address:

Relationship to owner: *[state details of authorisation from the owner to supply the warrant on the owner's behalf]*.

2—*continued*
Form 12—*continued*

Warrant

†The maximum number of occupants that can safely use this building is:

The inspection, maintenance, and reporting procedures of the compliance schedule for the above building have been fully complied with during the 12 months prior to the date stated below.

The compliance schedule is kept at:

Attachments

†Certificates relating to inspections, maintenance, and reporting

†Recommendations for amendments to the compliance schedule

Signature of †owner/†agent on behalf of and with the authority of the owner:

Date:

*Delete if the owner is an individual.

†Delete if inapplicable.

‡Delete this section if the warrant is not being supplied on behalf of the owner.

§Delete if the agent is an individual.

Form 12 was amended, as from 21 July 2005, by regulation 5(1) Building (Forms) Amendment Regulations (No 2) 2005 (SR 2005/170), by inserting the heading “Agent” and particulars immediately above the heading “Warrant”.

Form 12 was amended, as from 21 July 2005, by regulation 5(2) Building (Forms) Amendment Regulations (No 2) 2005 (SR 2005/170), by substituting the words “Signature of †owner/†agent on behalf of and with the authority of the owner:” for the words “Signature of owner”.

Form 12 was amended, as from 21 July 2005, by regulation 5(3) Building (Forms) Amendment Regulations (No 2) 2005 (SR 2005/170), by adding the notes “‡Delete this section if the warrant is not being supplied on behalf of the owner.” and “§Delete if the agent is an individual.”.

2—continued

*Form 12A—Certificate of compliance with
inspection, maintenance, and reporting
procedures*

Section 108(3)(c), Building Act 2004

The building

Street address of building:

Legal description of land where building is located:

Building name:

Location of building within site/block number:

Level/unit number:

The owner

Name of owner:

*Contact person:

Mailing address:

Street address:

†Registered office:

Compliance

The inspection, maintenance, and reporting procedures of the compliance schedule have been fully complied with during the 12 months prior to the date stated below in relation to the following specified system/s:

[state specified system(s)].

Signature of licensed building practitioner:

*Delete if applicant is individual.

†Delete if inapplicable.

Form 12A was inserted, as from 31 March 2005, by regulation 4(5) Building (Forms) Amendment Regulations 2005 (SR 2005/31).

2—continued

Form 13—Notice to fix

Sections 164 and 165, Building Act 2004

To: *[name and address of owner]*

***And to:** *[name and address of person carrying out or supervising the building work]*

The building

Street address of building:

Legal description of land where building is located: Building name:

Location of building within site/block number: Level/unit number:

Particulars of contravention or non-compliance

[Insert details of failure or error with reference to any relevant building consent]

To remedy the contravention or non-compliance you must: *[state any building work that must be carried out and whether a certificate of acceptance must be applied for]*

This notice must be complied with by: *[date or time frame]*

Further particulars

**You must contact [State whether the persons to whom the notice is given must contact the territorial authority for the district within which the building is situated, the regional authority for the region within which the building is situated, or both] on completion of the required building work.*

**All building work must cease immediately until the authority that issued this notice is satisfied that you are able and willing to resume operations in compliance with the Building Act 2004 and regulations under that Act.*

**The following building work must cease immediately until the authority that issued this notice is satisfied that you are able and willing to resume operations in compliance with the Building Act 2004 and regulations under that Act: [insert details of building work] If you do not comply with this notice you commit an offence under section 168 of the Building Act 2004 and may be liable to a fine of up to \$200,000 and a further fine of up to \$20,000 for each day or part of a day that you fail to comply with this notice.*

Signature:

Position:

On behalf of: *[name of territorial authority]*

Date:

**Delete if inapplicable.*

Form 13 was amended, as from 14 April 2005, by section 15(2) Building Amendment Act 2005 (2005 No 31) by substituting the words “[State whether the persons to whom the notice is given must contact the territorial authority for the district within which the

2—*continued*
Form 13—*continued*

building is situated, the regional authority for the region within which the building is situated, or both” for the words “the territorial authority for the district within which the building is situated” in the first of the further particulars.

2—continued

Form 14—Application for determination

Section 178, Building Act 2004

Applicant

Name: *[include preferred form of address, eg, Mr, Miss, Dr, if an individual]*

*Contact person:

Mailing address:

Phone number:

Landline:

Mobile:

Daytime:

After hours:

Facsimile number:

Email address:

The applicant is:

†The owner of the building

†The territorial authority of the district in which the building is located

†The building consent authority responsible for consenting to the building work

†The licensed building practitioner concerned with the relevant building work

The owner of other property (as defined in section 7 of the Building Act 2004) affected by the building work *[include details of the property so affected: street address and legal description and the provision of the building code that requires the property to be protected]*

†The regional authority of the region in which the dam is located

†A person who has a direct interest in the matter for determination if the matter for determination relates to the provision of access and facilities for persons with disabilities *[state the nature of the direct interest]*

†A person or organisation who or that has a right or obligation under any other Act to give written notice to a territorial authority about Building Act matters *[state details of the relevant right or obligation]*

Other parties

The other parties to this application are *[state names and mailing addresses]*:

†The owner of the building

†The territorial authority of the district in which the building is located

†The building consent authority responsible for consenting to the building work

†The licensed building practitioner concerned with the relevant building work

2—continued
Form 14—continued

†The regional authority of the region in which the dam is located

†A person or organisation who or that has a right or obligation under any other Act to give written notice to a territorial authority about Building Act matters [give details of the relevant right or obligation] Copies of this application have been sent to all the abovenamed parties.

The †building/†dam

Street address: [for structures that do not have a street address, state the nearest street intersection and the distance and direction from that intersection]

Legal description of land where †building/†dam is located: [state legal description as at the date of application and, if the land is proposed to be subdivided, include details of relevant lot numbers and subdivision consent]

†Building/†Dam name:

Current, lawfully established, use: [include number of occupants per level and per use if more than 1]

Year first constructed:

Matter for determination

"I apply for a determination in relation to the following matter/s: [include, for each applicable item, all relevant details, including any reasons given by the building consent authority, territorial authority, or regional authority for its decision]

"†(a) Whether the following building work complies with the building code: [state details of the building work]

"†(b) The decision of the [name of building consent authority] to—

"†(i) †tissue/†refuse to issue a †building consent/†code compliance certificate/†compliance schedule for the following building work: [state details of the building work]

"†(ii) refuse to allow an extension of the period during which the following building work must be commenced before the building consent lapses: [state details of the building work]

"†(iii) issue a notice to fix for the following building work: [state details of the building work]

"†(iv) refuse to allow an extension of the period during which it must decide whether to issue a code compliance certificate for the following building work: [state details of the building work]

"†(v) amend a †building consent/†notice to fix/†code compliance certificate for the following building work: [state details of the building work]

2—continued
Form 14—continued

- †(vi) †impose a condition/†amend a condition on a †notice to fix/
†compliance schedule for the following building work: [*state
details of the building work*]
- †(c) The decision of [*name of territorial authority*] to—
- †(i) †grant/†refuse an application for a waiver or modification of the
building code for the following building work: [*state details of the
building work*]
- †(ii) †issue/†refuse to issue a certificate of acceptance for the following
building work: [*state details of the building work*]
- †(iii) amend the compliance schedule for the building in the following
manner: [*state details of the building work*]
- †(iiia) †issue/†refuse to issue/a certificate for public use for the
following † premises/†part of premises [*state details of the
premises or part of premises*]
- †(iv) †issue/†amend/†impose a condition on a notice to fix for the
following building work: [*state details of the building work*]
- †(d) [*Name of territorial authority*]'s exercise of its power to require the
following building work as the result of an alteration to or change of use
of the building: [*state details of the building work*]
- †(e) The issue of a certificate under section 224(f) of the Resource
Management Act 1991 by the [*name of territorial authority*] that the
building complies or will comply with the building code: [*state details
of the subdivision and the effect it will have on the building*]
- †(f) [*Name of territorial authority*]'s †exercise of/†failure to exercise its
power to deal with a †dangerous/†earthquakeprone/†insanitary building
as follows: [*state details of the building work*]
- †(g) [*Name of regional authority*]'s †exercise of/†failure to exercise its
powers in relation to the dam as follows: [*state details of the building
work*].

†Related applications

The following applications have been made and are related to this application
[*give date of application and name of applicant*]

Hearing

†I request that the chief executive hold a hearing on this application so that I
may speak and present evidence.

†I wish to give written/spoken evidence in te reo Maori.

2—*continued*
Form 14—*continued*

Signed by the applicant:

‡Name and position (print):

Date:

*Delete if the applicant is an individual.

†Delete if inapplicable.

‡Only required if applicant is not an individual and application is signed by an authorised officer or agent of the applicant.

Form 14 was amended, as from 31 March 2005, by regulation 4(6) Building (Forms) Amendment Regulations 2005 (SR 2005/31) by substituting all the words that come after the heading “Matter for determination” and before the heading “Related applications”.

Paragraph (c)(iiia) was inserted, as from 21 July 2005, by regulation 6 Building (Forms) Amendment Regulations (No 2) 2005 (SR 2005/170).

2—continued

*Form 15—Application for certificate for
public use*

Section 363A, Building Act 2004

***Premises/*Part of premises**

Description of *premises/*part of premises for which certificate is sought:
*[identify the building in which the premises or part of the premises are located
and describe those premises or that part of the premises. If appropriate,
provide plans or diagrams that clearly delineate the premises or part of the
premises.]*

Building work affecting *premises/*part of premises

Building *consent number/*consent numbers:

Issued by: *[name of building consent authority that issued the building
consent]*

The applicant (person who owns, occupies, or controls premises)

Name of applicant: *[include preferred form of address, eg, Mr, Miss, Dr, if an
individual]*

†Contact person:

Mailing address:

Phone number:

Daytime:

After hours:

Facsimile number:

Email address:

The applicant is the person who *owns/*occupies/*controls the premises.

The following evidence of the applicant's status as *owner/*occupier/*person
in control is attached to this application: *[eg, copy of certificate of title, lease,
agreement for sale and purchase, licence, or property management
agreement, being a document that shows the full name of the applicant]*

‡The owner's name and address is: *[state owner's name and address]*

2—continued
Form 15—continued

§Agent

Name of agent: *[only required if application is being made on behalf of the owner, occupier, or person in control of premises]*

||Contact person:

Mailing address:

Phone number: Daytime: After hours:

Facsimile number:

Email address:

Relationship to *owner/*occupier/*person in control of the premises: *[state details of authorisation from the *owner/*occupier/*person in control of premises to make the application on the person's behalf]*

Application

I confirm that no code compliance certificate has been issued for the building work.

It is intended to permit members of the public to use the *premises/*part of the premises described above for the following purposes and in the following circumstances: *[describe purposes and circumstances]*

Members of the public can use the *premises/*part of the premises described above safely because: *[state reasons for statement, and include any precautions taken to protect the public, information on any specified systems in the premises or part of the premises, and the management of any special risks (eg, means of escape from fire) on site (provide information in attachments, if necessary)]*

The personnel who carry out the building work are as follows: *[if known, list names, addresses, phone numbers, and (where relevant) registration numbers]*

I request that you issue, under section 363A(2) of the Building Act 2004, a certificate for public use for the premises or the part of the premises described above.

Signature of *owner/*occupier/*person in control of premises/*agent on behalf of, and with the authority of, the *owner/*occupier/*person:

Name of person signing:

Date:

2—*continued*
Form 15—*continued*

space for council use

Attachments

The following documents are attached to this application:

*Evidence of applicant's status

*Plans and diagrams showing the premises or part of the premises described above

*Documentation relevant to the safety of the *premises/*part of the premises (eg, an engineer's report, certificates concerning specified systems)

*Delete if inapplicable.

†Delete if owner/occupier/person in control is an individual.

‡Delete if the applicant is the owner.

§Delete this section if the application is not being made on behalf of the owner/occupier/person in control.

||Delete if the agent is an individual.

Form 15 was inserted, as from 21 July 2005, by regulation 7 Building (Forms) Amendment Regulations (No 2) 2005 (SR 2005/170).

2—continued

Form 16—Certificate for public use

Section 363A, Building Act 2004

***Premises/*Part of premises**

Description of *premises/*part of premises for which certificate is issued:
[identify the building in which the premises or part of the premises are located and describe those premises or that part of the premises. If appropriate, refer to plans or diagrams that clearly delineate the premises or part of the premises.]

Building work affecting *premises/*part of premises

Building *consent number/*consent numbers:

Issued by: *[name of building consent authority that issued the building consent]*

The applicant (person who owns, occupies, or controls premises)

Name and description of applicant: *[state whether applicant owns, occupies, or controls the premises]*

†Contact person:

Mailing address:

Phone number: Daytime: After hours:

Facsimile number:

Email address:

Public use of *premises/*part of premises

The territorial authority named below, being satisfied on reasonable grounds, in relation to the building work described above, that members of the public can safely use the *premises/*part of the premises described above, issues under section 363A(2) of the Building Act 2004 this certificate for public use in respect of *those premises/*that part of the premises. *This certificate is subject to the following conditions: *[state conditions]*

Nothing in this certificate limits the duty of the owner to apply for a code compliance certificate, nor does it relieve any person from compliance with any other legislative requirement.

2—*continued*
Form 16—*continued*

***Attachments**

The following documents are attached to this application:

*Plans and diagrams showing the premises or part of the premises in respect of which the certificate is issued

*Any other documentation the territorial authority considers relevant to the territorial authority's certificate

Signature:

Position:

On behalf of: [*name of territorial authority*]

Date:

*Delete if inapplicable.

†Delete if applicant is an individual.

Form 16 was inserted, as from 21 July 2005, by regulation 7 Building (Forms) Amendment Regulations (No 2) 2005 (SR 2005/170).

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations. but is intended to indicate their general effect.

These regulations (except regulations 5 and 8 and Part 2 of the Schedule) come into force on 30 November 2004. Regulations 5 and 8 and Part 2 of the Schedule come into force on 31 March 2005.

These regulations prescribe various forms for the purposes of the Building Act 2004.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 11 November 2004.
