



# Form D1 Application for determination

Under section 178 of the Building Act 2004.

(This form is equivalent to Form 14 prescribed in the Building (Forms) Regulations 2004)

A APPLICANT	
Please supply the following details where relevant:	
Name: <i>[include preferred form of address, eg, Mr, Miss, Dr, if an individual]</i>	
Preferred contact person: <i>[insert contact name]</i>	
Mailing address:	
Phone number: Landline:	Mobile:
Daytime:	After hours:
Fax number:	
Email address:	
B APPOINTMENT OF AGENT	
Fill in this section if you want someone else to represent you.	
I/we appoint (full name)	
of (mailing address	
to act as my/our agent in this determination.	
C THE APPLICANT IS:	
<input type="radio"/> The owner of the building	
<input type="radio"/> The territorial authority of the district in which the building is located	
<input type="radio"/> The building consent authority responsible for consenting to the building work	
<input type="radio"/> The licensed building practitioner concerned with the relevant building work	
<input type="radio"/> The owner of other property (as defined in section 7 of the Building Act 2004) affected by the building work <i>[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]</i>	

**C THE APPLICANT IS: (CONTINUED)**

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 people 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]*, for example the New Zealand Fire Service

**D OTHER PARTIES TO THIS APPLICATION ARE:**

*[state names and mailing addresses]:*

The owner of the building

Name:

Address:

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

Name:

Address:

The building consent authority responsible for consenting to the building work

Name:

Address:

The licensed building practitioner concerned with the relevant building work

Name:

Address:

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

Name:

Address:

**D OTHER PARTIES TO THIS APPLICATION ARE: (CONTINUED)**

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], for example the New Zealand Fire Service*

**E THE BUILDING/DAM**

Please supply the following details where relevant:

**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 <sup>†</sup>**[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]*

<sup>†</sup>**[Building/Dam]** name:

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

Year first constructed: *[insert year, approximate date is acceptable eg: c1920s or 1960-1970]*

<sup>†</sup> delete as applicable.

**F 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) <sup>†</sup>*[issue/refuse to issue]* a <sup>†</sup>*[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 <sup>†</sup>*[building consent/notice to fix/code compliance certificate]* for the following building work: *[state details of the building work]*

(vi) <sup>†</sup>*[impose a condition/amend a condition]* on a <sup>†</sup>*[notice to fix/compliance schedule]* for the following building work: *[state details of the building work]*

<sup>†</sup> delete as applicable.

**F MATTER FOR DETERMINATION (CONTINUED)**

(c) The decision of *[name of territorial authority]* to:

(i) <sup>†</sup>*[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) <sup>†</sup>*[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) <sup>†</sup>*[issue/refuse to issue]* a certificate for public use for the following <sup>†</sup>*[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 <sup>†</sup>*[exercise of/failure to exercise]* its power to deal with a <sup>†</sup>*[dangerous/earthquake-prone/insanitary]* building as follows: *[state details of the building work]*

(g) *[Name of territorial authority]* 's <sup>†</sup>*[exercise of/failure to exercise]* its powers in relation to the dam as follows: *[state details of the building work]*

<sup>†</sup> delete as applicable.

**G RELATED APPLICATIONS (IF ANY)**

**The following applications have been made and are related to this application:**

*[give date of application and name of applicant or address of the building work]*

**H 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 Māori.

I do not want to speak at a hearing.

**I ATTACHMENTS**

The following documents are attached in support of this application:

Plans (list sheet numbers)

Specifications

Correspondence between the parties

Other documents (list and describe)

**IMPORTANT: I CERTIFY THAT I HAVE SUPPLIED COPIES OF THIS APPLICATION AND OF ALL THE DOCUMENTS LISTED ABOVE TO ALL THE OTHER PARTIES LISTED IN SECTION C ABOVE.**

Signed by the applicant:

Date:

Name and position of person signing as an authorised officer or agent of the applicant (print):



**Note to the applicant:**

Form D2 is used with Form D1 'Application for determination under section 178 of the Building Act 2004'.

Please photocopy the form if you need more copies.

You must fill in Part 1 before you send this form to the other party, or parties, for them to complete, sign and forward to the Department.

## Form D2 Party to an application for determination

Dear Sir or Madam

I/we have made an application to the Department of Building and Housing for a determination under the Building Act 2004. My/our details as the Applicant are recorded in Part 1 of this form.

As Applicant, I/we have named you as a party to this application.

I/we have enclosed copies of all the information we have sent to the Department, so that you will know that the Department has received the application and that you have also received the information provided to support the application.

The Department needs to know that you have received this advice. This form has been sent to you so that you can:

- acknowledge that the application has been made
- advise whether you wish to make a submission about the matter being determined
- advise whether you wish to be heard at a hearing
- advise whether you wish to be represented by an agent.

### IMPORTANT

As soon as you can, please fill in Part 2 of this form, **sign it** and send the form to the Department of Building and Housing. You will find the address on the reverse of this page. Your prompt response will help the Department make a decision without delay.

### PART 1 (TO BE COMPLETED BY THE APPLICANT)

Applicant's name and mailing address:	
Name:	
Address:	
Phone:	Fax:
Email:	
The application is about (describe the subject of the determination) at (street address or legal description):	

**PART 2 (TO BE COMPLETED BY EACH OF THE OTHER PARTIES)**

<b>1 ACKNOWLEDGEMENT</b>	
I/we have received a copy of Form D1 and each of the attachments listed in section H of that form.	
Name:	
Mailing address:	
Phone:	Fax:
Email:	
<b>2 APPOINTMENT OF AGENT</b>	
Fill in this section if you want someone else to represent you.	
I/we appoint (full name)	
of (mailing address	
to act as my/our agent in this determination.	
<b>3 SUBMISSIONS</b>	
<i>Please tick one of the boxes.</i>	
<input type="radio"/> I want to make a submission.	
<input type="radio"/> I do not want to make a submission.	
<b>4 HEARING</b>	
In most cases a determination is made on the basis of the written submissions. However, you can request a hearing to present your case to the Department and the parties. <i>Please tick one of the boxes.</i>	
<input type="radio"/> I want to speak at a hearing. I will use English.	
<input type="radio"/> I want to speak at a hearing. I will use te reo Māori.	
<input type="radio"/> I do not want to speak at a hearing.	
<b>5 SIGNATURE</b>	
Signature:	Date:
Description of party: (eg, Are you the builder, a neighbour, territorial authority etc?)	
Please return to: Department of Building and Housing Building Controls Determinations Team PO Box 10-729 Wellington	