



## PART ONE: Application for determination

### SECTION 178, BUILDING ACT 2004

Part One is equivalent to Form 14 in the Building (Forms) Regulations 2004

#### A. TO APPLY FOR A DETERMINATION

1. Complete Part One and the first section of Part Two.
2. Post three copies of the application and supporting documentation, along with payment of the fee, to:  
**Determinations**  
**Ministry of Business, Innovation and Employment**  
**PO Box 1473, Wellington 6140, New Zealand**  
Alternatively scan your application and all supporting documentation and email to [determinations@mbie.govt.nz](mailto:determinations@mbie.govt.nz).  
Fees may also be paid by direct credit (see section K).
3. Post Part Two and a copy of your application and supporting documentation to each of the other parties. The other parties will fill in Part Two and return it to us. All parties can send a written response to the Ministry setting out their views on the matter in dispute.

#### B. APPLICANT(S) DETAILS

You need to make sure you are legally able to apply for a determination. Read through section D first to make sure you are a 'party' as defined in section 176 of the Act.

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

Contact person: *[if more than one applicant or the applicant is an organisation]*

Mailing address:

Phone number:

Daytime:

Landline:

After hours:

Mobile:

Facsimile number:

Email address:



### C. AGENT'S DETAILS

Fill in this section if you want someone else to represent you; that person becomes your agent and we will send all correspondence and copies of documents to them.

You must sign this section if you are appointing an agent.

**I/we appoint the following to act as my/our agent in this determination:**

Name:

Mailing address:

Phone number:

Email address:

**Signed:** *[by the applicant]*

**Date:**

### D. THE APPLICANT IS

Please tick only the boxes that describe you. You may have to tick more than one box, for example you may be the owner of the building and the licensed building practitioner.

- The owner of the building
- The territorial authority of the district in which the building is located
- The building consent authority responsible for consenting 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]*

## E. OTHER PARTIES

You may need to choose more than one of these. In many cases the only other party is the council. Each party needs to be given a copy of the application so they are aware that the application has been made. Each party can make a submission in response to the application should they wish to do so.

**Copies of this application have been sent to all the parties named below**

**The other parties to this application are:** *[state names and mailing addresses, and email address if known]*

Name:	Who is: <ul style="list-style-type: none"> <li><input type="radio"/> the owner of the building</li> <li><input type="radio"/> the council (either as the territorial authority of the district in which the building is located, or the building consent authority responsible for consenting the building work)</li> <li><input type="radio"/> the licensed building practitioner concerned with the relevant building work</li> <li><input type="radio"/> the regional authority of the region in which the dam is located</li> <li><input type="radio"/> 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 <i>[give details of the relevant right or obligation]</i></li> </ul>
Mailing address:	
Email address:	
Name:	Who is: <ul style="list-style-type: none"> <li><input type="radio"/> the owner of the building</li> <li><input type="radio"/> the council (either as the territorial authority of the district in which the building is located, or the building consent authority responsible for consenting the building work)</li> <li><input type="radio"/> the licensed building practitioner concerned with the relevant building work</li> <li><input type="radio"/> the regional authority of the region in which the dam is located</li> <li><input type="radio"/> 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 <i>[give details of the relevant right or obligation]</i></li> </ul>
Mailing address:	
Email address:	

**F. THE BUILDING (OR DAM)**

Fill in only the relevant parts.

**The building work is:** *[tick the boxes that describe the building work - you may have to tick more than one box]*

Proposed

A new building

Underway

An alteration to an existing building

Completed

A change of use

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 the building (or 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 (or Dam) name:

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

Year first constructed:

## G. MATTER FOR DETERMINATION

This section lists what you can apply for a determination about. Tick the boxes that apply to the circumstances and complete a description of the relevant building work at the end.

This determination application is made in respect of the following building work: *[State details of the building work. If there is insufficient room please include the description in an attached document and refer to that document here.]*

### I apply for a determination in relation to the following matter/s:

(a) Whether the following building work complies with the building code:

(b) The decision\* of the building consent authority or territorial authority to:

issue, or  refuse to issue

- a building consent
- an amendment to a building consent
- a code compliance certificate
- a compliance schedule
- an amendment to a compliance schedule
- a notice to fix
- a certificate of acceptance
- a waiver or modification
- an exemption from building consent requirements under paragraph (2) of Schedule 1
- a certificate for public use
- a certificate under section 224(f) of the Resource Management Act

refuse to allow an extension to the period:

- during which building must be commenced before a building consent lapses
- during which the authority must decide whether to issue a code compliance certificate

issue, or  fail to issue  
a notice in relation to:

- a dangerous building
- an affected building
- an earthquake-prone building
- an insanitary building

exercise, or  fail to exercise its power of decision in relation to a dam

\* The Act provides for a determination on the exercise, failure or refusal to exercise, or proposed or purported exercise by an authority of a power of decision

## H. RELATED APPLICATIONS

You probably won't have to fill in this section. You only have to tell us if we have already received an application for a determination about the same problem or work. For example, if you are having a problem with a neighbour's building, you will need to tell us if you know that another neighbour has already applied for a determination.

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

## I. HEARING

In most cases a determination is made on the basis of the written submissions and information provided by the people involved. However you may also request a hearing.

A hearing is a meeting convened by the Ministry to which all the parties are invited to attend; it gives the parties an opportunity to present their view and respond to the views of the other parties. A draft determination is provided for the parties to comment on before confirming whether they wish to have a hearing.

Please indicate whether you wish to have a 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 seek a hearing on the matter, but I wish to attend if one is held
- I do not want to attend a hearing

## J. ATTACHMENTS

Attachments are the documents provided to the Ministry that help support your view. Attachments can include such information as correspondence about the dispute, reports, plans and specifications. Attachments should be clearly labelled and referenced in the application itself.

Please provide as much information as you can that is relevant to the issue you are applying for.

**The following documents are attached to this application:**

- plans *[list sheet numbers]*
- specifications
- correspondence relating to the building work or the dispute
- photographs
- a summary of events/background to the dispute
- a submission setting out my view on the matter
- other: *[please describe. If there is insufficient room please include the description in an attached document and refer to that document here.]*

**K. FEE**

For single houses, attached houses, flats and apartments up to four units, and garages and sheds, the fee is \$287.50 (including GST).

For all other buildings the fee is \$575.00 (including GST).

- the correct fee is enclosed
- the correct fee has been paid by direct credit to:  
03-0049-0005128-00

*[if paying by direct credit please include the word "determination" and your surname in the reference fields]*

**L. SIGNATURE**

**Signed by the applicant/agent:**

**Date:**

**Name and position:** *[Only required if applicant is not an individual and application is signed by an authorised officer or agent of the applicant]*



If you have any questions regarding completing this form,  
please contact the Ministry on **0800 242 243**.

## PART TWO:

# Party to an application for determination

Dear Sir or Madam,

I/we have made an application to the Ministry of Business, Innovation and Employment for a determination under the Building Act 2004. My/our details as the Applicant are recorded above.

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 Ministry with the application.

The Ministry 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 comment on or 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 complete this form, sign it and send it and any supporting information to the Ministry at:

#### Determinations

Ministry of Business, Innovation and Employment  
PO Box 1473, Wellington 6140, New Zealand

Alternatively scan the completed form and all supporting documentation and email to [determinations@mbie.govt.nz](mailto:determinations@mbie.govt.nz).

Your prompt response will help the Ministry make a decision without delay.

### M. APPLICANT'S DETAILS

This section should be completed by the applicant before sending to the other party/parties.

Applicant or agent's name: *[include preferred form of address, eg, Mr, Miss, Dr, if an individual]*

Mailing address:

Email address:

This determination application is made in respect of the following building work: *[state details of the building work]*

At the following address: *[state address or legal description]*





**THE OTHER PARTY/PARTIES**

The following is to be completed by each of the other parties that have been named in the application and have been provided with a copy of the application along with this form.

**N. ACKNOWLEDGEMENT**

I/we have received a copy of Part One and each of the attachments listed in section J of that form.

Name:

Mailing address:

Phone:

Email:

**O. APPOINTMENT OF AGENT**

Fill in this section if you want someone else to represent you; that person becomes your agent and we will send all correspondence and copies of documents to them.

You must sign this section if you are appointing an agent.

I/we appoint the following to act as my/our agent in this determination.

Name:

Mailing address:

Phone:

Email:

**Signed:** *[by the applicant]*

**Date:**

**P. SUBMISSIONS AND INFORMATION**

Any party to a determination is able to make a submission on the matter being determined. If the matter involves an exercise of a power of decision by the territorial authority or building consent authority, the authority should provide information relevant to the making of that decision and include related correspondence.

Parties may have different views on the matter being determined and are encouraged to provide documentation that will support their view. This can include such information as correspondence about the dispute, reports, plans and specifications. Attachments should be clearly labelled and referenced in any covering letter or submission.

Please provide as much information as you can that is relevant to the issue applied for. Any information or submissions provided to the Ministry need to be copied to the applicant and any other parties identified in section E

Please tick one of the following:

I want to make a submission/my submission and supporting information is attached

I do not want to make a submission at this time

The following documents are attached to this completed form:

- Plans *[list sheet numbers]*
- Specifications
- Correspondence relating to the building work or the dispute
- Photographs
- A summary of events/background to the dispute
- A submission setting out my view on the matter
- Other *[please describe]*

## Q. HEARING

In most cases a determination is made on the basis of the written submissions and information provided by the people involved. However you may also request a hearing.

A hearing is a meeting convened by the Ministry to which all the parties are invited to attend; it gives the parties an opportunity to present their view and respond to the views of the other parties. A draft determination is provided for the parties to comment on before confirming whether they wish to have a hearing.

Please indicate whether you wish to have a 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 seek a hearing on the matter, but I wish to attend if one is held
- I do not want to attend a hearing

## R. SIGNATURE

**Signature:**

**Date:**

**Description of party:** *[eg, are you the builder, a neighbour, territorial authority etc?]*

**PLEASE RETURN THE COMPLETED FORM AND  
SUPPORTING DOCUMENTATION TO THE MINISTRY AT:**



Determinations  
Ministry of Business, Innovation and Employment  
PO Box 1473, Wellington 6140, New Zealand



Alternatively scan the completed form and all supporting documentation  
and email to [determinations@mbie.govt.nz](mailto:determinations@mbie.govt.nz).



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