**FORM 9**

Regulation 115(a)

**Building Act 1993**

Building Regulations 2018

notice of determination under section 87 of the Act

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| **To** |  |  |  |
| Owner / owner's agent \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | |
| Postal address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | Postcode \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |

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| **Address of owner's property on which building work is to be carried out** | | |
| Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Street/Road \_\_\_\_\_\_\_\_\_\_\_\_\_ | City/Suburb/Town \_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | | |
| **Relevant building surveyor** | | |
| Postal Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | Postcode \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| **And to** | |
| Adjoining owner / adjoining owner's agent \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
| Postal Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Postcode \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Contact person \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Telephone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| **Address of adjoining property** | | |
| Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Street/Road \_\_\_\_\_\_\_\_\_\_\_\_\_ | City/Suburb/Town \_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| **DETERMINATION** |
| 1. I am the relevant building surveyor appointed on *[insert date]* under Part 6 of the **Building Act 1993** by or on behalf of the owner, *[insert full name of owner of the property on which building work is being carried out].* |
| 1. On [*insert date*] I received from the adjoining owner a notice under section 85(1)(b) of the **Building Act 1993** (the ***adjoining owner's notice***). |
| 1. In the adjoining owner's notice, the adjoining owner \*disagreed with the proposed protection work/\*required more information to be given to enable the proposal for protection work to be considered by me. I **attach** a copy of the adjoining owner's notice to this determination. |
| 1. As a result of the adjoining owner's notice, I am required by the **Building Act 1993** to examine the owner's proposal for protection work. |
| 1. I received the owner's proposal for protection work under section 84 of the **Building Act 1993** on [*insert date*] (the ***owner's proposal for protection work***). I **attach** the owner's proposal for protection work to this determination. |
| 1. In making this determination, I have examined the owner's proposal for protection work. |
| 1. Before making this determination, I requested the following additional information from the owner under section 87(2)(a) of the **Building Act 1993** [*specify relevant information*]. I received this information on [*insert date*]. 2. On [*insert date*], I made a copy of the additional information (referred to in paragraph 7 above) available to the adjoining owner. 3. In determining the appropriateness or otherwise of the owner's proposal for protection work, I made the following inquiries under section 87(3) of the **Building Act 1993** [*specify any relevant inquiry made*]. 4. After considering all matters required of me under the **Building Act 1993** and the Building Regulations 2018, I determine the owner's proposal for protection work is \*appropriate/\*not appropriate. |

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| **Made by Relevant Building Surveyor** |
| Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Building practitioner registration no.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \*Municipal district/\*council name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Related building permit no. (if known): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date determination made: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| **Rights of appeal under section 141 of the Building Act 1993** | |
| **An owner required to carry out protection work or an adjoining owner may appeal to the Building Appeals Board against—** | |
|  | a determination under section 87 of the Building Act 1993 as to the appropriateness of the work; or |
|  | a declaration under section 89 of the **Building Act 1993**; or |
|  | a failure, within a reasonable time, or refusal to make that determination or declaration; or |
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|  | a request under section 87 of the **Building Act 1993** to give more information. |

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| **Appeal period** | |
| For the purposes of section 146 of the **Building Act 1993**, the prescribed appeal period for an appeal against a determination by the relevant building surveyor under section 87(1) of the  **Building Act 1993** is 14 days from the day the owner and the adjoining owner are given notice of the determination. | |
| A determination by the relevant building surveyor under section 87(1) of the **Building Act 1993**, does not take effect until— | |
|  | the end of the prescribed appeal period of 14 days, if there is no appeal; or |
|  | the decision is affirmed on appeal. |