

Construction of building on 2 or more allotments

check sheet and guidance

(Section 75 - Building Act 2004)

Complete this form if you require a Section 75 (s75) condition to be imposed or removed independently of a building consent application. The form provides information necessary for completion of the process.

Details					
Property address(es):					
Contact name of person making the s75 application:					
Contact mobile number:		Contact email:			
Contact mailing address:					
					Postcode:
Authorisation confirmation:	<input type="checkbox"/> I am the owner	<input type="checkbox"/> I have authority to act for the owner			
Relationship to the owner: <i>(State details of authorisation from the owner to make the application on the owner's behalf)</i>					
Property record of title(s):	<input type="checkbox"/> Dunedin City Council (DCC) to provide <i>(fees apply)</i>		<input type="checkbox"/> Record of title(s) attached		
List the full names of the registered proprietors as per the information shown on the record of title(s): <i>(Where it is not clear from the record of title who has the authority to sign on behalf of an entity, provide an authorisation document that confirms what individual/s are required to sign on the entity's behalf e.g., Incorporated Society):</i>					
Do you require a s75 condition to be:		<input type="checkbox"/> Imposed		<input type="checkbox"/> Removed	
If a s75 condition is to be imposed, please confirm that the effected allotments are freehold and under common ownership. <i>Please note, if the answer is no, the s75 application cannot proceed.</i>					<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you request the DCC to prepare a s75 certificate for signing and lodgement.					<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you request the DCC to register the s75 certificate with Land Information New Zealand. <i>(LINZ lodgement fees apply)</i>					<input type="checkbox"/> Yes <input type="checkbox"/> No
We will prepare and register the s75 certificate. DCC authorisation signature only required.					<input type="checkbox"/> Yes <input type="checkbox"/> No
Briefly explain the reasons for your application:					
<input type="checkbox"/>	I have provided a site plan showing which allotments are to be linked or unlinked with the full legal descriptions shown.				
Billing (Payer) details					
<input type="checkbox"/> Owner		<input type="checkbox"/> Agent		<input type="checkbox"/> Other (specify details):	
How do you want to receive your invoice?		<input type="checkbox"/> Email address:			<input type="checkbox"/> Post
Mailing Address:					
Declaration (must be nominated)					
<input type="checkbox"/>	We/I declare that the information provided for this s75 check sheet is correct and accurate.				
	Name:		Signature:		

Please turnover for Section 75 guidance

Section 75 Guidance

If you're planning to build across two or more allotments, there are some legal requirements to consider first ([Sections 75 to 80 of the Building Act 2004](#)).

A building consent for the construction of a building across two or more allotments will include a condition preventing the allotments being transferred or leased separately in the future, even if those allotments are recorded on the same record of title.

Additionally, a Section 75 certificate signed by the Dunedin City Council (DCC) and the registered owner(s) needs to be lodged with the Registrar-General of Land (Land Information New Zealand - LINZ). This will be included on the record(s) of title of the allotments the building is to be built across. The Section 75 certificate will specify that the relevant allotments must not be transferred or leased separately.

In most cases, Section 75 certificates are prepared and lodged by the DCC. However, there are instances when the DCC requires the registered owner(s) to instruct either their own lawyer or the DCC's lawyer to prepare and lodge the Section 75 certificate. This typically happens when more complex matters are involved. The registered owner(s) are responsible for all relevant costs and fees (including legal fees and LINZ fees).

What should I check before signing and returning my Section 75 certificate?

- The applicant for building consent must own the allotment(s), or act as the agent for the landowner(s).
- The allotment descriptions and registered owner(s) exactly match the information shown on the record(s) of title.
- Where it is not clear from the record of title who has the authority to sign on behalf of an entity, check the appropriate authorisation records e.g., New Zealand Companies Office for authorised signatories for an Incorporated Society.
- All registered owner(s) must sign the certificate in their correct capacity.
- All allotments are freehold (fee simple) and under common ownership.
- If the Section 75 process is not linked to an active building consent, please complete a Section 75 check sheet. This provides debtor information, property address etc to the DCC, enabling us to prepare the certificate and complete the relevant process.
- LINZ lodgement fees and DCC administration fees may apply. Please see DCC fees and charges information on the following link [Building services general charges - Dunedin City Council](#)

What to do with a signed Section 75 Certificate?

- We require an original signed certificate on file and unfortunately cannot accept electronic signatures for these.
- ***Please do not date the certificate. We will date the certificate when the DCC sign it.***
- Certificates can be hand delivered or couriered to Dunedin City Council Building Services, 50 The Octagon, Dunedin 9016, or posted to Dunedin City Council Building Services, PO Box 5045 Dunedin 9054.

Still not sure? Feel free to either email us on building@dcc.govt.nz or ring on 03 477 4000 and a member of our Building Services team will be happy to help.