



# WAIROA DISTRICT COUNCIL

## REGULATORY DEPARTMENT

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✉ consents@wairoadc.govt.nz

🌐 www.wairoadc.govt.nz  
📮 PO Box 54, Wairoa 4160, Hawke's Bay  
🏠 Coronation Square, Queen Street, Wairoa

### AGREEMENT BETWEEN RESIDENTIAL PROPERTY DEVELOPER AND PURCHASER

Section 364(2) Building Act 2004

Office use only:

#### About this agreement

Agreement made on: *(Date)*

#### Agreement made between:

Name:  
*(Residential Property Developer)*

Address:

and

Name: *(Purchaser)*

Address:

The residential property developer and the purchaser have entered or intend to enter into a contract for the sale and purchase of:

Address of household unit:

Dated: *(Date of contract, if any)*

#### Background

1. As at the date of the agreement, a building consent has been granted in relation to the household unit but a code compliance certificate has not been issued.
2. 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.
3. 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.

*\*delete is inapplicable.*



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### Property Developer

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Full Name:

Signature: *(Residential  
Property Developer)*

Address:

Occupation:

Signature: *(Residential  
Property Developer's witness)*

### Purchaser

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Full Name:

Signature: *(Purchaser)*

Address:

Occupation:

Signature: *(Purchaser's  
witness)*