



Purpose

The purpose of this document is to describe the policy for handling applications involving building over two or more allotments.

Scope

This document outlines the policy and guidelines for building over two or more allotments and is to be used in conjunction with all BLD-13.1-FLOW and BLD-13.2-PROC

References

Building Act 2004 Sections 75-83

BLD-13.1-FLOW, Building over two or more allotments

BLD-13.2-PROC, Building over two or more allotments.

Background

Section 75 requires that if a project information memorandum application relates to the construction of a building over two or more allotments, and if the affected titles are held by the same owner in fee simple, the project information memorandum must state that as a condition of the granting of a building consent, the specified allotments must not be transferred or leased, except in conjunction with the specified allotments.

Section 76 provides exemptions to the above if the building work involves construction of a party wall on the boundaries of allotments referred to, or if the owner provides evidence of an application to the Registrar-General of Land for amalgamation of the allotments.

Section 77 requires that a building consent authority must not grant a building consent for work to which section 75 applies until the territorial authority has issued a certificate imposing the condition of transfer or lease (refer to section 75(2)).

Section 77 requires the certificate of title to be authenticated by the territorial authority and signed by the owner.

The territorial authority must lodge a copy of the Certificate of Title with the Registrar-General of Land.

Section 82 allows that, if the Registrar-General of Land is satisfied that it is not practicable or desirable to record an entry on the Certificate of Title, the Registrar-General may require a plan to be deposited under the Land Transfer Act 1952, and, if applicable, one or more Certificates of Title may be issued for the land, in line with the terms of the plan.

Section 83 allows for an owner to apply for removal of the entry. In this instance, if the territorial authority is satisfied the conditions for removal of entry have been met, it may approve the removal of the notice from the Certificate of Title lodged with the Registrar-General of Land.

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