



BUILDING CONSENT AUTHORITY

**T-13 AND T-13.1 BUILDING OVER TWO OR MORE ALLOTMENTS
(SECTIONS 75 TO 83 OF THE BUILDING ACT 2004)
(Building consent authority function)**

Roles and Responsibilities

- MANAGER CONSENTS**
To provide policy and procedures in order to identify whether a building is to be constructed over two or more allotments. Include a statement in the project information memorandum advising that a condition of the building consent will be that the specified allotments must not be transferred or leased, and that the certificate of title will be lodged with the Registrar-General of Land.
- TEAM LEADER BUILDING**
To provide audit processes to ensure the procedures are followed to maintain a quality system.
- BUILDING OFFICER**
To issue building consent only when satisfied that, where the consent involves a building to be constructed over two or more allotments, a condition of the consent has been included. The condition requires that the certificate(s) of titles for the affected allotments have an entry on each title stating that the titles must not be transferred or leased unless all specified titles are held under the one ownership. Verify that the certificate of title has been authenticated by the territorial authority, and has been signed by the owner and lodged with the Registrar-General of Land.
- TECHNICAL OFFICER BUILDING**
To vet building consent applications to identify whether or not a building is being constructed over two or more allotments.

NPDC Controlled Document

<p>NPDC Building Consent Authority</p>	<p>Location: Quality Manual</p>	<p>Authorised By: Peter Scantlebury Responsibility: Team Leader Building</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">NPDC Controlled Document</p>	<p>Version No: 2</p>
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BACKGROUND

- Section 75 requires that if a project information memorandum application relates to 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 of title 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.
- 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 with a certificate of title lodged with the Registrar-General of Land.

Procedure

1 EXPLAIN PROCESS TO CUSTOMER

- 1.1 Provide the customer with information at the beginning of the consent process advising what is involved when a building is to be constructed over two or more allotments.
- 1.2 The owner shall be advised to obtain legal advice in regard to the effect of any registered instruments on the affected titles (mortgages, charges, liens etc).

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2 ESTABLISHING THE SCOPE OF WORK

- 2.1 Review the project information memorandum, combo and/or building consent application documents to identify whether the proposed building work will be constructed over boundaries, and identify if the same owner in fee simple holds the affected allotment.
- 2.2 1.1.1.4 Review the project information memorandum, combined and/or building consent application to identify whether the proposed building work being constructed on any of the related boundaries is a party wall, and if so this is exempt from requiring the certificate and entry on the titles.

Note: there will still be an obligation to enter the party wall on the relevant certificates of title to ensure there can be no removal of support to either property.

- 2.3 If an application has been made to the Registrar-General of Land for a plan to be deposited under the Land Transfer Act 1952 to amalgamate all the affected allotments, the requirement for the certificate and entry on the affected titles is exempted. Proof of this application is required.
- 2.4 In all other cases proof of ownership must be supplied with the application.

3 PROJECT INFORMATION MEMORANDUM TO INCLUDE STATEMENT

- 3.1 If it is identified that there is no exemption for either the party wall or amalgamation of titles, a statement is to be included in the project information memorandum. The statement should note that, as a condition of the granting the building consent, the allotment(s) must not be transferred or leased except in conjunction with the other allotment(s).

4 NOTIFY APPLICANT OF A COMBINED PROJECT INFORMATION MEMORANDUM AND BUILDING CONSENT (COMBO)

- 4.1 If it is identified that the building is being constructed over boundaries of two or more allotments under the same ownership in fee simple, and it is not a party wall, and there is no application for amalgamation of the titles, the owner should be advised that a condition will be imposed on the building consent that specified allotments must not be transferred or leased except as a whole.
- 4.2 The owner should be advised to obtain legal advice in regard to the effect of any registered instruments on the affected titles (mortgages, charges, liens etc).

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5 CONDITION IMPOSED ON BUILDING CONSENT

- 5.1 Include as a condition of granting the building consent that the specified allotments must not be transferred or leased except as a whole.

6 AUTHENTICATED CERTIFICATE BY TERRITORIAL AUTHORITY

- 6.1 The territorial authority must issue an authenticated certificate requiring the entry on the affected certificates of title that the specified allotments must not be transferred or leased except as a whole (refer to section 77).
- 6.2 The territorial authority must provide this certificate to the building consent authority before the building consent is issued.

7 CERTIFICATE SIGNED BY OWNER

- 7.1 The authenticated certificate must be signed by the registered owner and returned to the territorial authority for lodging with the Registrar-General of Land.
- 7.2 The territorial authority must lodge a copy of the certificate with the Registrar-General of Land.
- 7.3 The territorial authority should receive the lodgment receipt from the Registrar-General of Land before notifying the building consent authority to issue the building consent.

Notes

It is normal practice for the building consent authority to wait until this process has been completed before issuing the building consent.

The territorial authority should delve into ownership of land including details of all mortgages held.

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