

TS-13 and TS-13.1 Building Over 2 or More Allotments

ROLES AND RESPONSIBILITIES

- **BCA**
To provide 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.
- **Building Manager**
To approve the 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.
- **Building Officer**
To vet building consent applications to identify whether or not a building is being constructed over two or more allotments.

BACKGROUND


- Sections 75 to 83
 - If it is identified that the building is being constructed over boundaries of 2 or more allotments under the same ownership in fee simple, and
 - If it is not separated by a party wall, and
 - If there is no application for amalgamation of the titles
 - A BCA is not permitted to grant a building consent for building work: Until the Territorial Authority has issued a certificate imposing a condition that the specified allotments may not be transferred or leased as per condition set out in section 75 (2).

PROCEDURE

1 ESTABLISHING THE SCOPE OF WORK

- 1.1 Review the project information memorandum 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 title to the affected allotment.
- 1.2 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.

	<p style="text-align: center;">Clutha District Council</p> <p style="text-align: center;">Building Consent Authority Manual</p>	Doc Ref	TS-13 Building over 2 or more allotments-NV
		Date	20/05/2008

1.3 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.

1.4 In all other cases proof of ownership must be supplied with the application.

2 PROJECT INFORMATION MEMORANDUM TO INCLUDE STATEMENT

2.1 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).

3 NOTIFY APPLICANT OF A COMBINED PROJECT INFORMATION MEMORANDUM AND BUILDING CONSENT

3.1 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 CONDITION IMPOSED ON BUILDING CONSENT

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

5 AUTHENTICATED CERTIFICATE BY TERRITORIAL AUTHORITY

5.1 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 in conjunction with any other specified allotments.

6 CERTIFICATE SIGNED BY OWNER

6.1 The authenticated certificate must be signed by the registered owner and returned to the territorial authority for lodging with the Registrar-General of Land.

6.2 The territorial authority must lodge a copy of the certificate with the Registrar-General of Land.

6.3 The BCA must be satisfied that this certificate is lodged with the Registrar-General of Land before the building consent is issued.

6.4 If the owner refuses to sign the certificate, the BCA may refuse to issue the building consent.

NOTES

Lodgement form is available from the District Land Registrar. www.linz.govt.nz