

Customer & Designer Guide

BUILDING OVER TWO OR MORE ALLOTMENTS

It often occurs that a property owner wishes to construct a building over two or more neighbouring allotments.

The Building Act 2004 does not allow building work to be undertaken over two or more allotments unless they are both held in fee simple by the same owner and:

- the allotments are amalgamated through the Registrar-General of Land, or
- a section 75 notice, stating that one or more of the allotments cannot be transferred or leased except in conjunction with the other/s of those allotments, is registered on the title/s through the Registrar-General of Land, or
- the building work is constructed with a party wall along the appropriate boundary/s.

Building consent cannot be issued until one of the above options has been addressed.

Grey District Council places the responsibility for making the application to the Registrar-General of Land on the owner of the property as it is important that they seek legal advice in regard to the effect of any registered instruments on the affected titles (mortgages, charges etc.).