

## 1. Purpose

The purpose of this document is to outline the procedures for dealing with structures built over, on or under legal road owned by Auckland Council, managed and controlled by Auckland Transport.

## 2. Legislative requirements

Building Act 2004 – Sections 45 and 48  
Resource Management Act 1991  
Construction in the Road Corridor and Other Public Places Bylaw 2015  
Local Government Act 1974

## 3. Definition of structures and legal road

A structure, which is built **over, on or under** legal road (i.e. over the property boundary) includes but is not limited to:

- canopies/verandas,
- balconies,
- aerial walkways (air bridges),
- façade features
- subsoil use (temporary) (e.g. retaining walls, soldier piles, sheet piling)

Legal road is owned by Auckland Council and managed and controlled by Auckland Transport e.g. footpaths and roads (road corridor).

## 4. Building consent requirements

All building consent applicants proposing to construct a structure over, on or under legal road must obtain approval from Auckland Transport **prior** to lodging an application for building consent. Obtaining approval from Auckland Transport must be a condition of any Resource Consent. A copy of Auckland Transport's approval must be submitted with the building consent application.

## 5. Auckland Transport requirements

In order to assess the structure Auckland Transport requires drawings that accurately depict construction of the structure, including: -

- method of construction
- building materials
- site plan showing
  - dimensions of encroachment
  - distance to kerb line
  - property boundary
- detailed plans - structural supports, elevation and plan views, long sectional views for driveway gradients.
- storm water disposal method which must be within the boundary of the property
- location of down pipes
- for canopies – minimum height from the footpath to the base of the canopy and lighting plan

Applicants should allow up to 5 working days for the plans to be reviewed; please contact the Consent Specialist: [Sreevidya.radhamani@at.govt.nz](mailto:Sreevidya.radhamani@at.govt.nz)

Note that the applicant will require an airspace license and possibly subsoil and surface licenses from Auckland Transport prior to the building consent stage. Auckland Transport can advise the applicant which licenses are required and explain the process. For airbridge and subsoil applications, a pre-application meeting is recommended with a Technical Services Property Specialist from Auckland Transport.