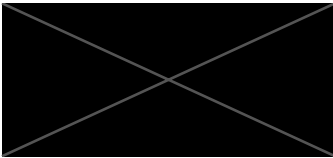



19 April 2021

Note: This letter was provided in 2021. It should not be considered current information despite no substantial changes having been made to the property or land since. However, it provides a useful summary of important information.



Dear Aram 

Purchase 50 Wyon Street, Linwood, Christchurch – Review of Property

- 1 Please find **enclosed** copies of Records of title CB257/90 and CB265/243 (**Titles**).
- 2 We note the following in respect of the Titles you are to purchase:
 - 2.1 an estate in fee simple in Part Lot 19 Deposited Plan 2407 (Record of Title CB257/90) with an area of 619 square meters more or less; and
 - 2.2 an estate in fee simple in Part Lot 19 Deposited Plan 2407 (Record of Title CB265/243) with an area of 230 square meters more or less.
- 3 The expression “estate in fee simple” essentially means freehold. Freehold ownership of land is the most desirable as it gives you permanent and absolute tenure of the property with freedom to use the land as you choose. However, there will always be instances where you will need your neighbours’ consent for work being undertaken on a freehold property (for example, where consent is required under the Resource Management Act), as well acting in accordance with any restrictions on the title.
- 4 Although we conduct a thorough search of the Vendor’s legal Titles we cannot warrant the physical dimensions of the property nor the location of the legal boundaries. Please ensure that you can accurately locate the boundary pegs on the property to ensure they are where you would expect them to be. If you have doubts about the boundaries to the property you should consult a surveyor as we are unable to advise you on the exact location of the legal boundaries/fences that you have viewed on the property.
- 5 ~~We note the Vendor’s mortgage will be removed from the Titles prior to settlement.~~
- 6 We note that the Agreement records that “Brittans Drain” runs through the property. There are no easements registered on the Titles in respect of this drain. However, the Local Government Act 1974 allows for local councils to require property owners to construct private drains across their properties and to connect those drains to any public drain or watercourse. The council also has the power to itself construct drains across adjoining properties. Section 461 of the Local Government Act (**enclosed**) sets out the rights and obligations attaching to private drains.
- 7 Please be aware that the Council or your neighbours could ask you to remove the deck as it is built over the drain (although the vendors did note that they have not yet been asked to do this), if necessary to attend to repairs or maintenance to the drain. If to do this it required removing the deck, it is unlikely that any other party would be required to contribute towards the cost of repairing the deck.

AR-212396-1-15-V1

Environment Canterbury (ECan) – Listed Land Use Register

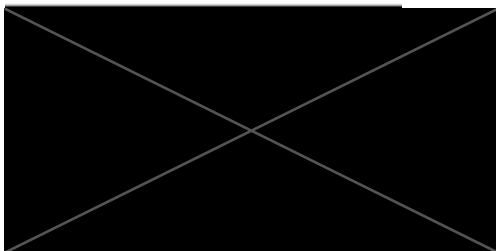
- 8 In addition to our review of the Title above, we have searched the Listed Land Use Register which summarises information held in Environment Canterbury's records about land where hazardous activities are known to have occurred or are currently occurring in Canterbury.
- 9 The LLUR does not currently have any information about a Hazardous Activities and Industries List site on the Property. Please note this is not conclusive and there may have been hazardous activities carried out on the Property that ECan is not aware of.

Other information

- 10 We have searched the property on Canterbury Maps and note that the property is in the "medium liquefaction vulnerability zone" which means that liquefaction damage is possible. If you require further information please visit <https://apps.canterburymaps.govt.nz/ChristchurchLiquefactionViewer/>.
- 11 The property is zoned in the Christchurch Clean Air Zone. Any logburner in the dwelling must comply with the Clean Air Zone rules. We note that the property does not appear to have a logburner but should you install one in the future please ensure that it complies with the rules. We also note that you cannot burn anything outdoors, the only exception being BBQs, pizza ovens, hangi or umu and only if the smoke is not offensive or objectionable beyond your property boundary.
- 12 The property is located in the Christchurch West Melton Water Zone. The water in this zone is a mix of spring-fed streams and rivers, short steep creeks of the Port Hills and the large braided expanse of the Waimakariri River.
- 13 ECan has listed the property as being in Tsunami Evacuation Zone "Yellow". This means that the property could potentially be flooded in a very large tsunami. ECan notes that if there is a long or strong earthquake you do not need to evacuate unless you are advised to do so by an official warning.
- 14 Please note that our advice contained in this letter is given in reliance upon the information provided to us by Land Information New Zealand and ECan.
- 15 ~~Please let us know if you have any concerns in respect of the Titles and the boundary prior to 21 April 2021.~~

Yours faithfully

Tavendale and Partners



Databases > NZ Law Partner Legislation and Cases > Statutes of NZ > L > Local Government Act 1974 > [Part 26 Sewerage and stormwater drainage by territorial authorities > Private drains > [461 Further provisions with respect to private drains



THOMSON REUTERS

Local Government Act 1974

[461 Further provisions with respect to private drains

- (1) Where any private drain constructed with the consent of the owners of all the lands affected or constructed by the council pursuant to section 460 of this Act passes through or serves separately owned premises, there shall be attached to each and all of the lands served by that private drain the following rights, namely:
- (a) A right to the free and uninterrupted use of that private drain; and
 - (b) A right for the occupiers or any of them to enter upon all lands served by that drain, or through which it passes, for the purpose of relaying or effecting necessary repairs to the drain; and
 - (c) A right to contribution from the owners or occupiers of other lands so served by that drain towards the cost of executing, providing, and doing all or any of the things required in respect of the drain by this Part of this Act or any bylaw; and
 - (d) A right to contribution from the owners or occupiers of those other lands towards the cost of all necessary relaying of or repairs to the drain; and
 - (e) A right to the recovery from the owners or occupiers of other lands through which that drain passes but which are not served by the drain of the cost of any repairs to the drain necessitated by any wilful or negligent act of those owners or occupiers,—

and those rights, upon a certificate being furnished by the [[principal administrative officer]] that any of the lands is actually served by that drain, together with such plans (if any) as the District Land Registrar requires, shall be registered by the District Land Registrar against the titles to all the other lands so served by the drain, and also, in the case of the right to free and uninterrupted use of the drain and the right to enter upon land to effect necessary relaying or repairs, or to recover under [[paragraph (e)]] of this subsection the cost of any repairs to the drain, against the titles to the lands through which the drain passes.

- (2) The District Land Registrar, on the receipt by him of a certificate signed by the [[principal administrative officer]] that any of the said lands is actually served by that private drain, shall enter on the register and upon the outstanding duplicate certificate of title for that land, which certificate of title shall be produced to him for that purpose,—
- (a) Particulars of the certificate given by the [[principal administrative officer]]; and
 - (b) A memorandum that there are attached to the land the rights specified in subsection (1) of this section.
- (3) If any question arises as to the liability of any owner or occupier under any provision of subsection (1) of this section, a [[District Court]] shall have jurisdiction to hear and determine the question, and the decision of the Court shall be final.]