



**Clevedon** 104 Highridge Road

# Substantial home, granny flat, land and views

Positioned to maximise the panoramic, north-facing views this is a home of substance and offers generous living including a granny flat on the lower level, perfect for extended family. Upper level comprises a huge open plan, high stud kitchen, dining and living room, enjoying wrap around views and flowing to the expansive deck. The master bedroom is vast and opens out to covered deck with spa pool where you can relax in complete privacy enjoying the breathtaking outlook. The recently refurbished ensuite is very on trend and yes, it's huge and complemented by the family bathroom fitted out to the same high standard! With a further three bedrooms and large central office the floor-plan could be altered to suit your ideal layout. Ground floor contains generous internal entry double garaging, laundry and the studio style flat with kitchenette, bathroom and living room opening out to a private deck and views.



## Property Information

5-6  2  3  2 

<b>Legal Description</b>	LOT 2, DP 386643, Cert of Title 346770
<b>Rates</b>	\$2,306.16
<b>Capital Valuation</b>	\$2,075,000
<b>Land Area</b>	7.4154ha (more or less)
<b>Tenure</b>	Fee Simple

## Chattels

Fixed floor coverings, Blinds, Light fittings, Dishwasher, Garden Shed (as is), Heated Towel Rails x2, Stove - Electrical, Hob - Gas bottle, Washing Machine, Waste Disposal, Wood burner, Spa Pool (as is, where is)

**Tender (unless sold prior)** Closing 4pm, Thu 17 Oct 2019  
2 Harris Road, East Tamaki

[bayleys.co.nz/1871083](http://bayleys.co.nz/1871083)

**Clare Nicholson** 021 290 0505  
[clare.nicholson@bayleys.co.nz](mailto:clare.nicholson@bayleys.co.nz)

**Clare Dower** 021 20 66 822  
[clare.dower@bayleys.co.nz](mailto:clare.dower@bayleys.co.nz)

BAYLEYS REAL ESTATE LTD, MANUKAU RESIDENTIAL, LICENSED UNDER THE REA ACT 2008  
BAYLEYS REAL ESTATE LTD, HOWICK, LICENSED UNDER THE REA ACT 2008

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# Terms of Supply

**Property Address: 104 Highridge Road, Clevedon, Auckland**

Information Supplied: Land Title Document / LIM / REAA Sale and Purchase Guide / Tender Documents

By accepting the information above from Bayleys Real Estate Ltd, or an authorised licensee in conjunction with Bayleys Real Estate Ltd, I acknowledge I have read, understood and accepted the terms on which the information is made available.

## **Terms upon which the information is supplied:**

1. Where information is supplied by Bayleys Real Estate Ltd to customers, the information is information in the possession of the Vendor(s) that the Vendor(s) are making available to the customer without endorsement
2. No representation is made by Bayleys Real Estate Ltd or by the Vendor(s) as to the accuracy, or to the reliability, of any information made available to the customers.
3. The customer will seek such advice and explanation the customer may require from an independent specialist of their choosing.
4. Should the purchaser decide not to obtain their own specialist advice they are deemed to have satisfied themselves on all aspects of the property and are buying solely in reliance on their own judgment and contrary to the recommendation of Bayleys Real Estate Ltd or its agents.

## **BUILDING INSPECTIONS**

Purchasers are advised to secure their own Building Inspection Report regardless of construction type, to ensure that they are fully informed as to the standard of the property they intend to invest in.

## **QUERIES OR REQUESTS**

It will be a pleasure to assist you further should you require any additional information, or have any queries regarding the property or content of this booklet, please do not hesitate to contact us.

DISCLAIMER : This LIM Report has been obtained on behalf of the vendor and copies have been made available to prospective and interested parties for general information purposes only. However, neither the Vendor nor Bayleys Real Estate Limited, Licensed under the REA Act 2008, warrant the accuracy of this copy and we accept no liability for any errors or omissions in the report. All parties are urged to take legal advice and it is recommended to all prospective Purchasers and interested parties that they obtain and rely on their own report for any decision to purchase the property.

bayleys real estate  
2 harris road  
East Tamaki  
MANUKAU 2013



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<b>Applicant</b>	bayleys real estate
<b>LIM address</b>	104 Highridge Road Clevedon Auckland 2582
<b>Application number</b>	8270181980
<b>Customer Reference</b>	
<b>Date issued</b>	12-Sep-2019
<b>Legal Description</b>	LOT 2 DP 386643
<b>Certificates of title</b>	346770

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### Disclaimer

This Land Information Memorandum (LIM) has been prepared for the applicant for the purpose of section 44A of the Local Government Official Information and Meetings Act 1987.

The LIM includes information which:

- Must be included pursuant to section 44A of the Local Government Official Information and Meetings Act 1987
- Council at its discretion considers should be included because it relates to land
- Is considered to be relevant and reliable

This LIM does not include other information:

- Held by council that is not required to be included
- Relating to the land which is unknown to the council
- Held by other organisations which also hold land information

Council has not carried out an inspection of the land and/or buildings for the purpose of preparing this LIM. Council records may not show illegal or unauthorised building or works on the land.

The applicant is solely responsible for ensuring that the land or any building on the land is suitable for a particular purpose and for sourcing other information held by the council or other bodies. In addition, the applicant should check the Certificate of Title as it might also contain obligations relating to the land.

The text and attachments of this document should be considered together.

This Land Information Memorandum is valid as at the date of issue only.

## s44A(2)(a) Information identifying any special feature or characteristics of the land

This information should not be regarded as a full analysis of the site features of this land, as there may be features that the Council is unaware of. The applicant is solely responsible for ensuring that the land is suitable for a particular purpose including development.

### **Site Contamination**

No land contamination data are available in Council's regulatory records.

### **Wind Zones**

Wind Zone(s) for this property: Unknown or unassessed wind zone

The wind zones are based on wind speed data specific to all building sites as outlined in NZS 3604:2011. Other factors such as topographic classes, site exposure and ground roughness determine the actual wind bracing demands and bracing elements required for the building.

For further information refer to NZS 3604:2011 Section 5 — Bracing Design

### **Soil Issues**

The Auckland Council is not aware of any soil issues in relation to this land. If any soil information/reports have been prepared in relation to this property, they will be available for viewing at an Auckland Council Service Centre or via the property file product services.

### **Flooding**

This statement entitled "Flooding" appears on all LIMs.

Known flooding information is displayed on the map attached to this LIM entitled "Special Land Features – Natural Hazards - Flooding".

The information shown in the "Special Land Features - Natural Hazards - Flooding" map is also shown on the Auckland Council online map viewer (Geomaps), at [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz), which is updated from time to time.

Any proposed development may require a flooding assessment to be provided by the applicant.

The absence of flooding on the "Special Land Features - Natural Hazards - Flooding" map does not exclude the possibility of the site flooding, particularly from Overland Flow Paths which may be on other properties.

### **Flood Plain**

This site (property parcel) spatially intersects with a Flood Plain, as displayed on the map attached to this LIM entitled "Special Land Features - Natural Hazards - Flooding", and may flood during significant rainfall events.

Flood Plains represent the predicted area of land inundated by runoff from a 1% Annual Exceedance Probability (AEP) magnitude event, often referred to as a '1 in 100-year event'.

Flood Plains are generally determined by computer based hydrological and hydraulic modelling.

The Auckland Unitary Plan contains policies and rules relating to development and/or works within or adjacent to Flood Plains.

Note: The terms “Flood Plain” and “Floodplain” are used interchangeably.

### **Overland Flow Path**

This site (property parcel) spatially intersects with one or more Overland Flow Paths, as displayed on the map attached to this LIM entitled “Special Land Features – Natural Hazards - Flooding”.

Overland Flow Paths are lines representing the predicted route of overland flow, based on analysis of a Digital Terrain Model (derived from aerial laser survey). Overland Flow Paths do not show the width or extent of flow.

Overland Flow Paths are based solely on the terrain and are indicative only.

Overland Flow Paths may flood depending on the amount of rain.

The Auckland Unitary Plan contains policies and rules relating to development and/or works within or adjacent to Overland Flow Paths.

Note: The terms “Flow Path” and “Flowpath” are used interchangeably.

### **Exposure Zones**

New Zealand Standard 3604:2011E classifies all properties in New Zealand into zones based on environmental features including wind, earthquake, snow load and exposure. These zones are relevant to building requirements, such as strength of buildings, materials that should be used and maintenance. All building sites are classified as being in Exposure Zones Extreme Sea Spray, B, C, or D, depending on the severity of exposure to wind driven salt.

This property is classified as: Unknown or Unassessed Corrosion Zone

Unknown or unassessed - No known information is available relating to these sites. Recommended that specific sites and/or product designed and to consult suppliers information for specific durability requirements.

### **s44A(2)(b) Information on private and public stormwater and sewerage drains**

Information on private and public stormwater and sewerage drains is shown on the **underground services map** attached.

Note: Private drainage is the responsibility of the land owner up to and including the point of connection to the public sewer or drain.

### **s44(2)(ba) Information notified to Council by a drinking water supplier under Section 69ZH of the Health Act 1956**

Prospective purchasers should be aware of other drinking water systems connected to this property. There may also be private drinking water supply systems such as rainwater tanks or private water bores. You are advised to clarify the drinking water supply with the current landowner.

No Information has been notified to Council.

## s44A(2)(bb) Information Council holds regarding drinking water supply to the land

For metered water information, please contact **Watercare (09) 442 2222** for services provided to this property.

## s44A(2)(c) Information relating to any rates owing in relation to the land

<b>Billing Number/ Rate Account:</b>	12344635070
<b>Rates levied for the Year 2019/2020 :</b>	\$4,073.45
<b>Total rates to clear for the current year (including any arrears):</b>	\$3,156.92


The rates figures are provided as at 8 a.m. 12/09/2019. It is strongly advised these are not used for settlement purposes.

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### Retrofit Your Home Programme

The Retrofit Your Home programme provides financial assistance, advice and information to householders wanting to create an improved home environment.

The scheme contributes to the achievement of the Air Quality National Environmental Standards encouraging the installation of clean heat and insulation in homes as well as supporting access to central government grants and subsidies. The programme offers homeowners a retrofit plan for their homes and financial assistance up to \$5000 repaid through a targeted rate.

 Auckland Council (09) 890 7898 if you require further information

 retrofit@aucklandcouncil.govt.nz

## s44A(2)(d) Consents, Certificates, Notices, Orders or Requisitions affecting the land or any buildings on the land(da) the information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004:s44A and (2)(e) Information concerning any Certificate issued by a Building Certifier pursuant to the Building Act 1991 or the Building Act 2004

Note: if the land is part of a cross lease title or unit title, consents and permits for the other flats or units may be included in this LIM. If the land has been subdivided there may be consents and permits included that relate to the original property.

It is recommended that the full property file is viewed and compared with the actual building and activities on the land to identify any illegal or unauthorised building works or activities.

### Financial / development contributions

Financial and development contributions are relevant for recently subdivided land, vacant lots, new residential unit(s) or where there is further development of a site. If any financial or development contribution has not been paid, Council can recover outstanding amount(s) from a subsequent owner of the land.

Please note that financial contributions and development contributions may be paid in land, cash or a combination of these. The form of payment of contributions may be subject to negotiation but final discretion remains with the Council.

## Resource Management

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### Planning

104 Highridge Road Clevedon Auckland 2582

Application No.	Description	Decision	Decision Date
26319	Land Use Consent Relocated dwelling-bulk earthworks	Granted	01/10/2004

### Subdivisions

104 Highridge Road Clevedon Auckland 2582

Application No.	Description	Decision	Decision Date
5390	Subdivision Consent Subdivision	Granted	20/03/1996
30681	Subdivision Consent Boundary adjustment	Granted	20/10/2006
30681	Subdivision completion cert ((s)224C) Boundary adjustment	Approved	21/05/2007
30681	Subdivision survey plan ((s)223) Boundary adjustment	Granted	24/05/2007

### Engineering Approvals

There are **NO** Engineering approvals recorded.

If there are any conditions, then only that portion of the consent will be included in the attachments section. The applicant should satisfy themselves as to whether all conditions of resource consents for this property have been met.

### Further Information

The Council may hold additional information for this property, for example concerning resource consents for discharges to air, land or water issued by the former Auckland Regional Council prior to 1 November 2010. If you would like Auckland Council to search for this type of information, please contact us.

### Building

104 Highridge Road Clevedon Auckland 2582

Application No.	Description	Issue Date	Status
045007	Relocated Dwelling with Garage and attached Decks	01/11/2004	CCC Issued 23/09/2008 (See Note 2)

Note	Description
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Note	Description
2	Code Compliance Certificate (CCC) for this consent was issued.

Please note that prior to the Building Act 1991; Councils were not required to maintain full records of building consents [etc] issued under the Building Act. While Auckland Council has always endeavoured to maintain full records of pre-Building Act 1991 matters, not all records for this period have survived and in other cases where building work is documented, information may be incomplete. Council does not accept responsibility for any omission.

It is recommended that the Council property file is viewed and compared with the actual building and activities on site to identify any illegal or unauthorised building works or activities.

### Compliance Schedules (Building Warrant of Fitness)

The Council has no record of a Compliance Schedule for this property/building.

If it is evident that any specified systems such as lifts or commercial fire alarms are present in the building, the owner must ensure there is a current compliance schedule or building warrant of fitness.

### Swimming/Spa Pool Barriers

The Council has no record of a swimming pool or spa pool being registered on this property. Swimming pools and spa pools must have a barrier that complies with the Building Act 2004.

Pool barrier information is available for viewing at <http://www.aucklandcouncil.govt.nz>

### Licences

There are NO current licences recorded

#### s44A(2)(ea) Information notified under Section 124 of the Weathertight Homes Resolution Services Act 2006

The Council has not been notified of any information under Section 124 of the Weathertight Homes Resolution Services Act 2006 relating to this property.

#### s44A (2)(f) Information relating to the use to which the land may be put and any conditions attached to that use

Purchasers or those intending to develop the land should satisfy themselves that the land is suitable for any intended use or future development proposal. In addition to any site specific limitations recorded below, general restrictions that apply across the region may be relevant to any development proposals on this property.

### Auckland Unitary Plan - Operative in Part (AUP:OP)

The **Auckland Unitary Plan - Operative in part(AUP:OP)** applies to this property and should be carefully reviewed and considered, as it may have implications for how this property can be developed and/or used. Those parts of the Auckland Unitary Plan that are operative replace the corresponding parts of legacy regional and district plans. However, certain parts of the AUP:OP are the subject of appeals and have not become operative. If a property is subject to an appeal this will be identified on the attached Unitary Plan Property Summary Report. Where this is the case, both the Auckland Unitary Plan Decisions version and the legacy regional and district plans will need to be considered.

The AUP:OP zones, controls, overlays, precincts, and designations that apply to this property are set out in the Property Summary Report, which is attached to this memorandum.

The AUP:OP can be viewed here:

<https://www.aucklandcouncil.govt.nz/unitaryplan>

The legacy regional and district plans can be viewed here:

<https://www.aucklandcouncil.govt.nz/districtplans>

<https://www.aucklandcouncil.govt.nz/regionalplans>

The appeals to the AUP:OP can be viewed here:

<https://www.aucklandcouncil.govt.nz/unitaryplanappeals>

### **Auckland Council District Plan - Hauraki Gulf Islands Section (Operative 2013) (DP:HGI)**

While the regional provisions in the AUP:OP apply to the Hauraki Gulf Islands, and are set out in the Property Summary Report attached to this memorandum, the AUP:OP does not contain any district provisions for the Hauraki Gulf Islands. If the Property Summary Report attached to this memorandum lists its zone as "Hauraki Gulf Islands", the district provisions that apply are in the Auckland Council District Plan Hauraki Gulf Islands Section (Operative 2013) (**DP:HGI**).

The relevant maps of the DP:HGI are attached to this memorandum, if applicable. The text of the DP:HGI can be found here:

<https://www.aucklandcouncil.govt.nz/haurakigulfislands>

### **Plan Changes and Notices of Requirement**

Changes to the AUP:OP and DP:HGI may be proposed from time to time. These proposed plan changes may relate to either the maps or the text of those plans. Any proposed changes to the AUP:OP relevant to this property will be listed as a modification in the Property Summary Report attached to this memorandum. However, proposed changes to the DP:HGI will not appear on the Property Summary report. That information can be found on the Auckland Council website.

Please refer to the AUP:OP for information on any proposed Plan Changes or see the Auckland Council modifications website at:

<https://www.aucklandcouncil.govt.nz/unitaryplanmodifications>

Information relating to any proposed Plan Changes to DP:HGI can be found here:

<https://www.aucklandcouncil.govt.nz/haurakigulfislands>

From time to time a requiring authority, such as a Ministry of the Crown or a council controlled organisation, may notify Auckland Council that they require certain land to be designated for a certain purpose. If this property is the subject of such a notice of requirement, that notice may have implications for how this property can be developed or used from the date it is received by Council.

If this property is not on the Hauraki Gulf Islands, any notices of requirement applicable will be listed as a modification in the Property Summary Report attached to this memorandum.

If this property is on the Hauraki Gulf Islands, any notice of requirement will be available on the Auckland Council Website.

Information on all current notices of requirement can be found on the modifications page here:  
<https://www.aucklandcouncil.govt.nz/unitaryplanmodifications>

Copies of the appeals to the Auckland Unitary Plan can be viewed online at:  
<https://www.aucklandcouncil.govt.nz/unitaryplanappeals>

## Restriction(s)

This property is affected by the following restriction(s):

Effective Date	Description	Details
04/09/1996	Foundation design restrictions	Lir_00018896, Legacy description: notice Effective from: 04/09/1996 Consent notice registered on titles of lots 1-3 dp 175041 specific engineering investigation and design is to be undertaken for building works located within lot 1 dp 175041 and outside the areas defined as 'approved building area' on lots 2 and 3 dp 175041 as shown on earthtech consulting plan fig.1 Lir_00019651, Legacy description: notice Effective from: 04/09/1996 Consent notice registered on titles of lots 1-3 dp 175041 specific engineering investigation and design is to be undertaken for building works located within lot 1 dp 175041 and outside the areas defined as 'approved building area' on lots 2 and 3 dp 175041 as shown on earthtech consulting plan fig.1
21/05/2007	Restriction on land	Lir_00073681, Legacy description: notice Effective from: 21/05/2007 Development - lots 1 and 2 dp 386643 Resource consent p30681 does not in any way approve the location of the buildings and/or additions to existing buildings indicated on the approved scheme plan. Please refer to resource consent p30681. Lir_00074608, Legacy description: notice Effective from: 13/08/2007 Development - lots 1 and 2 dp386643 Resource consent p30681 does not in any way approve the location of the buildings and/or additions to existing buildings indicated on the approved scheme plan. Please refer to resource consent p30681

Further information on these restrictions may be provided elsewhere in this document. Alternatively please contact a Resource Management Planner at an Auckland council service centre or by telephone for further information.

## Vehicle Access

Effective Date	Description	Details
04/09/1996	Access	Lir_00019380, Legacy description: notice Effective from: 04/09/1996 Consent notice registered on titles of lots 1-3 dp 175041; because the section of legal road adjacent to lots 1,2 and 3 dp 175041 has not been upgraded to

		public road standard,the formation is to be maintained by owners of lots 1,2 and 3 dp 175041. Lir_00019381, Legacy description: notice Effective from: 04/09/1996 Consent notice registered on titles of lots 1-3 dp 175041; because the section of legal road adjacent to lots 1,2 and 3 dp 175041 has not been upgraded to public road standard,the formation is to be maintained by owners of lots 1,2 and 3 dp 175041.
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### Protected Tree(s)

Effective Date	Description	Details
04/09/1996	Trees / bush protection	Lir_00012948, Legacy description: notice Effective from: 04/09/1996 Consent registered on title of lot 2 dp 175041; the native bush on lot 2 dp 175041 is to be protected and preserved on an ongoing basis in accordance with a bush management plan prepared by ian barton forestry and environment consultant and approved by council. Lir_00019467, Legacy description: notice Effective from: 04/09/1996 Consent notice registered on title of lot 1 dp 175041; the native bush on lot 1 dp 175041 is to be protected and preserved on an ongoing basis in accordance with a bush management plan prepared by ian barton forestry and environment consultant and approved by council.

The site contains a notable tree or group of trees. Restrictions apply to this site; please refer to the District Plan.

### Information concerning Caveat, Bond, Encumbrance, Consent Notice and Covenant

For any information concerning Caveats, Bonds, Encumbrances, Consent Notices or Covenants, please refer to the Certificate of Title for this property.

#### s44A(2)(g) Information regarding the land which has been notified to Council by another statutory organisation

No information has been notified to Council.

#### s44A(2)(h) Information regarding the land which has been notified to Council by any network utility operator pursuant to the Building Act 1991 or Building Act 2004

Underground Services and District Plan maps are attached.

Please note: Height restrictions apply where overhead power lines cross the site. Works near water services utilities may require approval. Works near high-pressure Gas, Oil or LPG pipelines create risk of damage and must first be approved. Please contact the relevant Utility provider in your area for further information.

Any escape of gas or liquid from the pipelines is potentially dangerous and requires immediate action as soon as discovered (Dial 111 and ask for the Fire Service).

## Attachments

As the placement of the building/s on the attached maps is based on aerial photography we cannot guarantee the accuracy. A formal survey will indicate the exact location of the boundaries.

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- Auckland Unitary Plan Property Summary Report
- Auckland Unitary Plan - Operative in part Maps and Map Legend
- Auckland Council District Plan - Hauraki Gulf Islands Section (if applicable)
- Underground Services & Utilities Map and Map Legend
- Special Land Features Map and Map Legend

Please note Map Legends have been created for use across the region and may contain features which were not captured by the previous legacy Councils; therefore the information may not be available for these maps. Please contact the Resource Management Planning Team in your area for further information on any features which may or may not appear on your map.

- As Built Drainage Plan : 045007
- Consent Conditions : 26319



## Auckland Unitary Plan Operative in part (15th November 2016) Property Summary Report

### Address

104 Highridge Road Clevedon Auckland 2582

### Legal Description

LOT 2 DP 386643

### Appeals

### Modifications

### Zones

Rural - Rural Production Zone

### Precinct

### Controls

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index - Rural

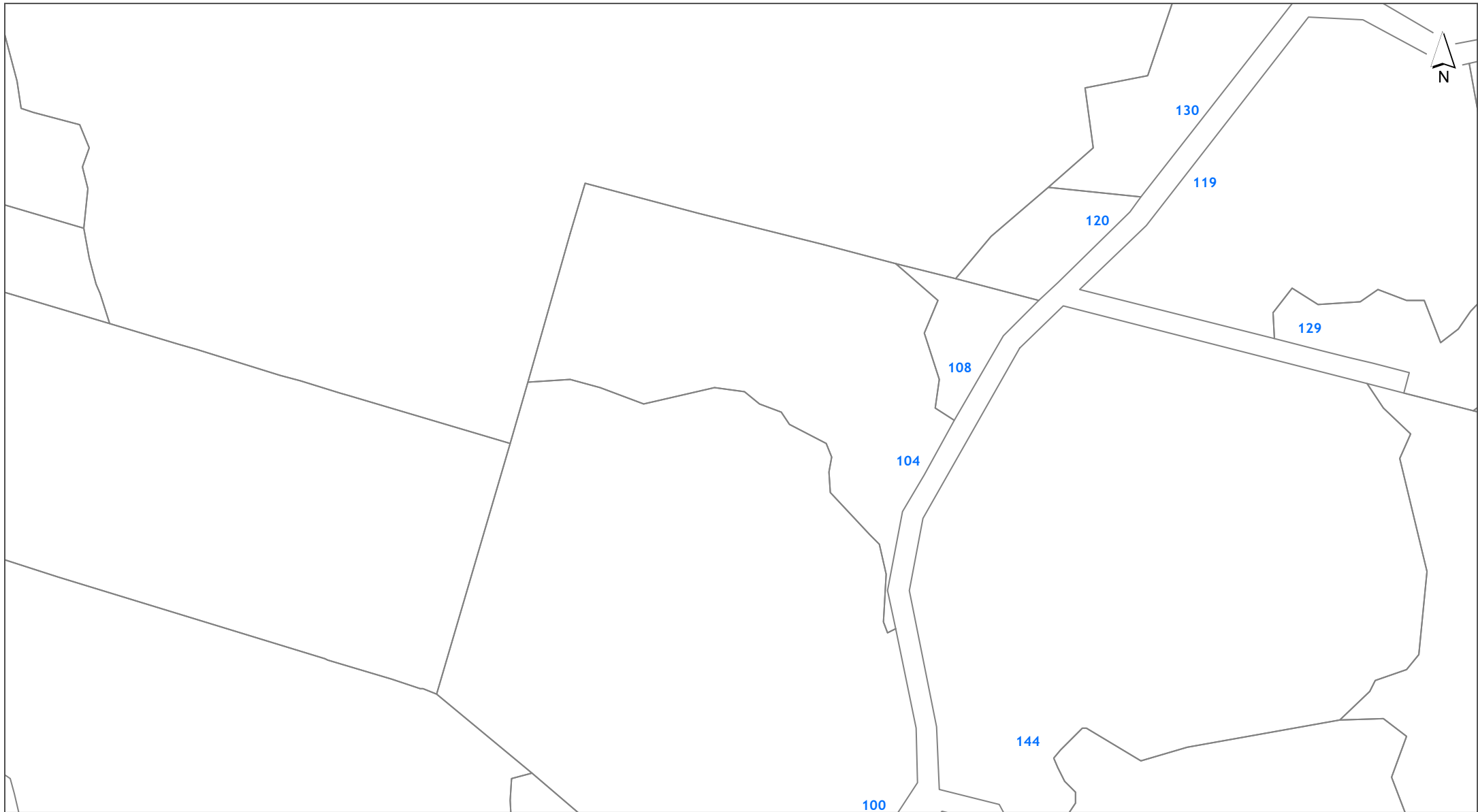
### Overlays

Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Clevedon East Waitemata Aquifer

Natural Resources: High-Use Stream Management Areas Overlay [rp]

Natural Resources: Significant Ecological Areas Overlay - SEA\_T\_403 - Terrestrial

### Designations

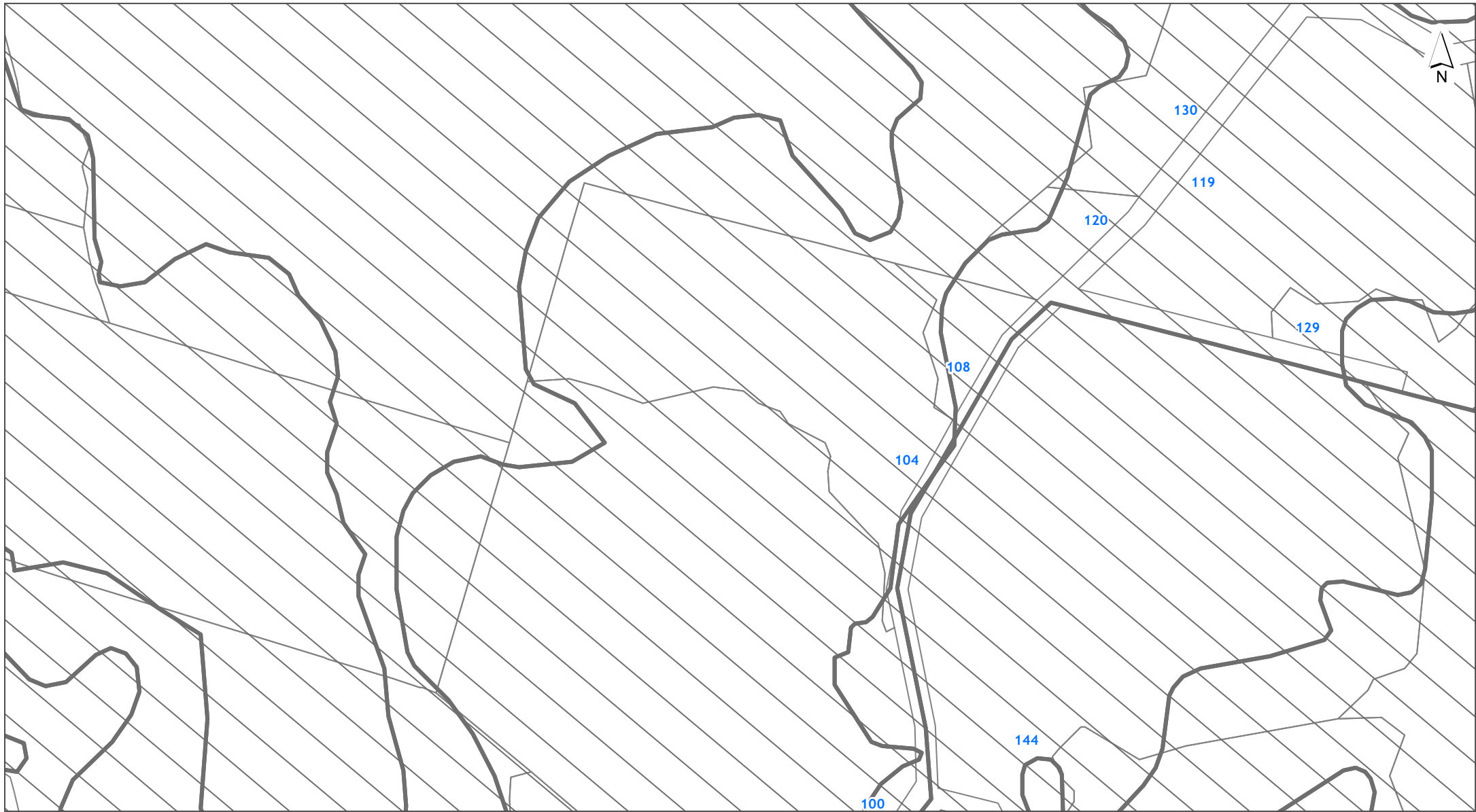


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**Built Environment**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**

0 30 60 90  
Meters  
Scale @ A4  
= 1:5,000  
Date Printed:  
12/09/2019



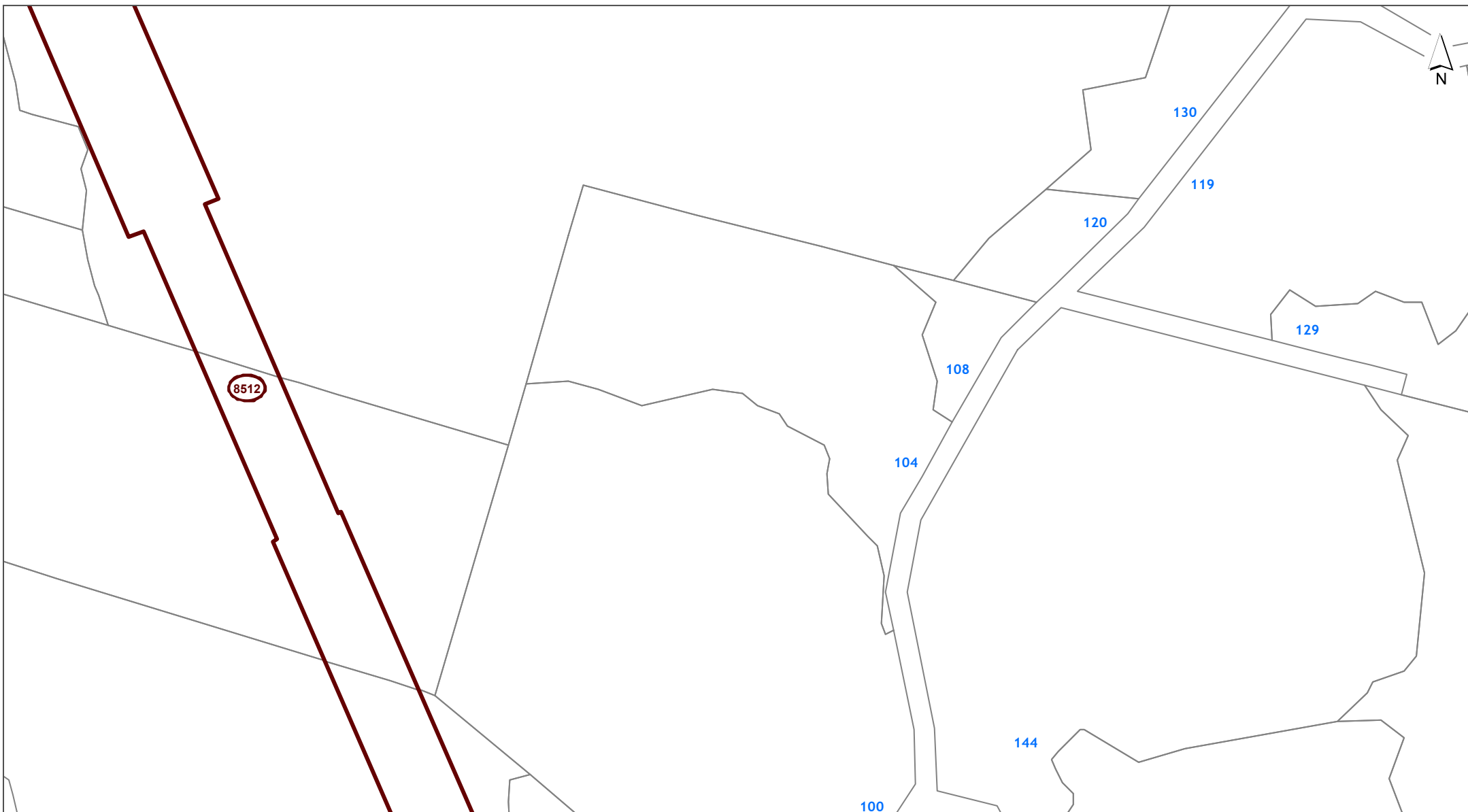


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**Controls**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**

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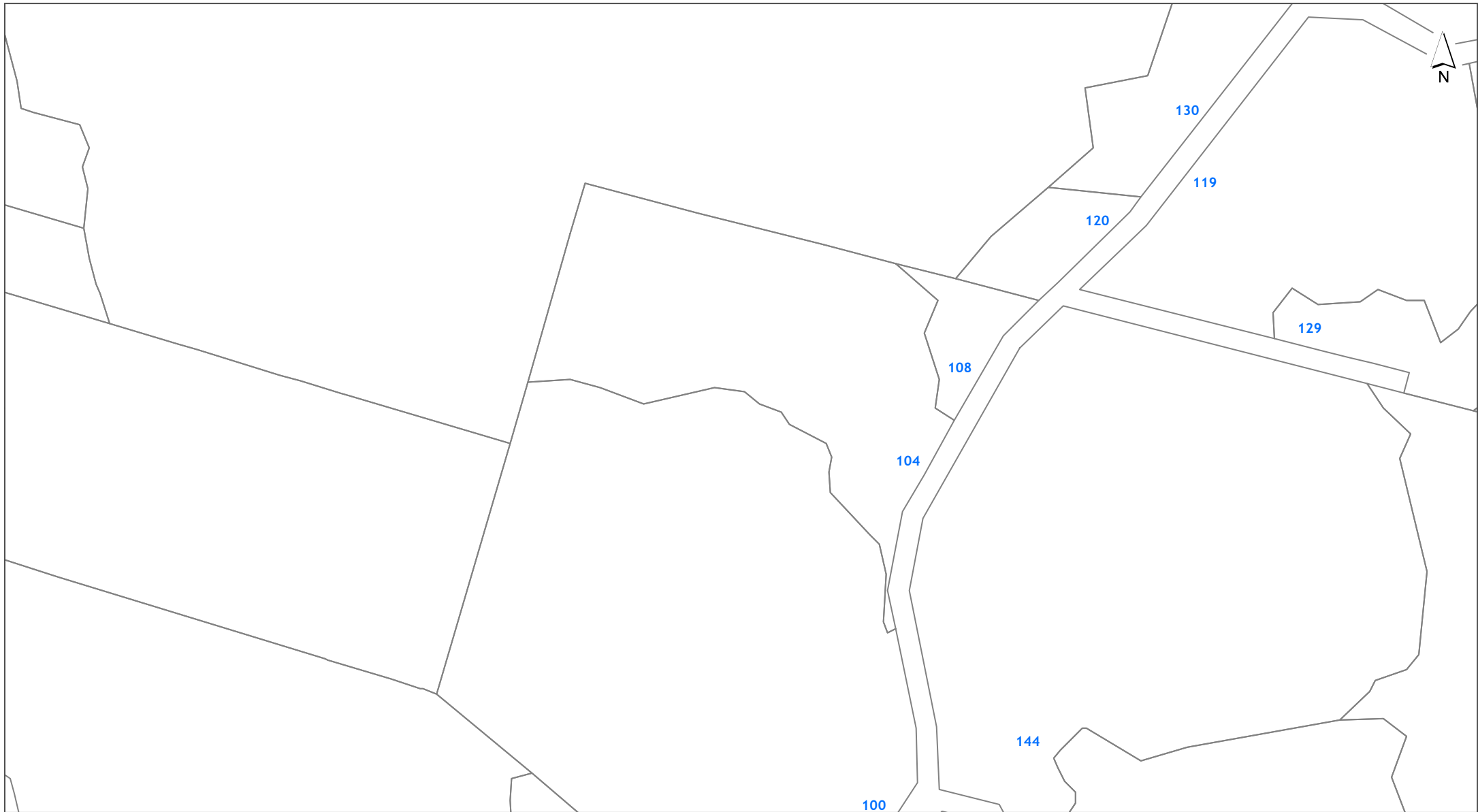
**Designations**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**



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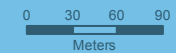
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**12/09/2019**





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Historic Heritage and Special Character  
104 Highridge Road Clevedon Auckland 2582  
LOT 2 DP 386643

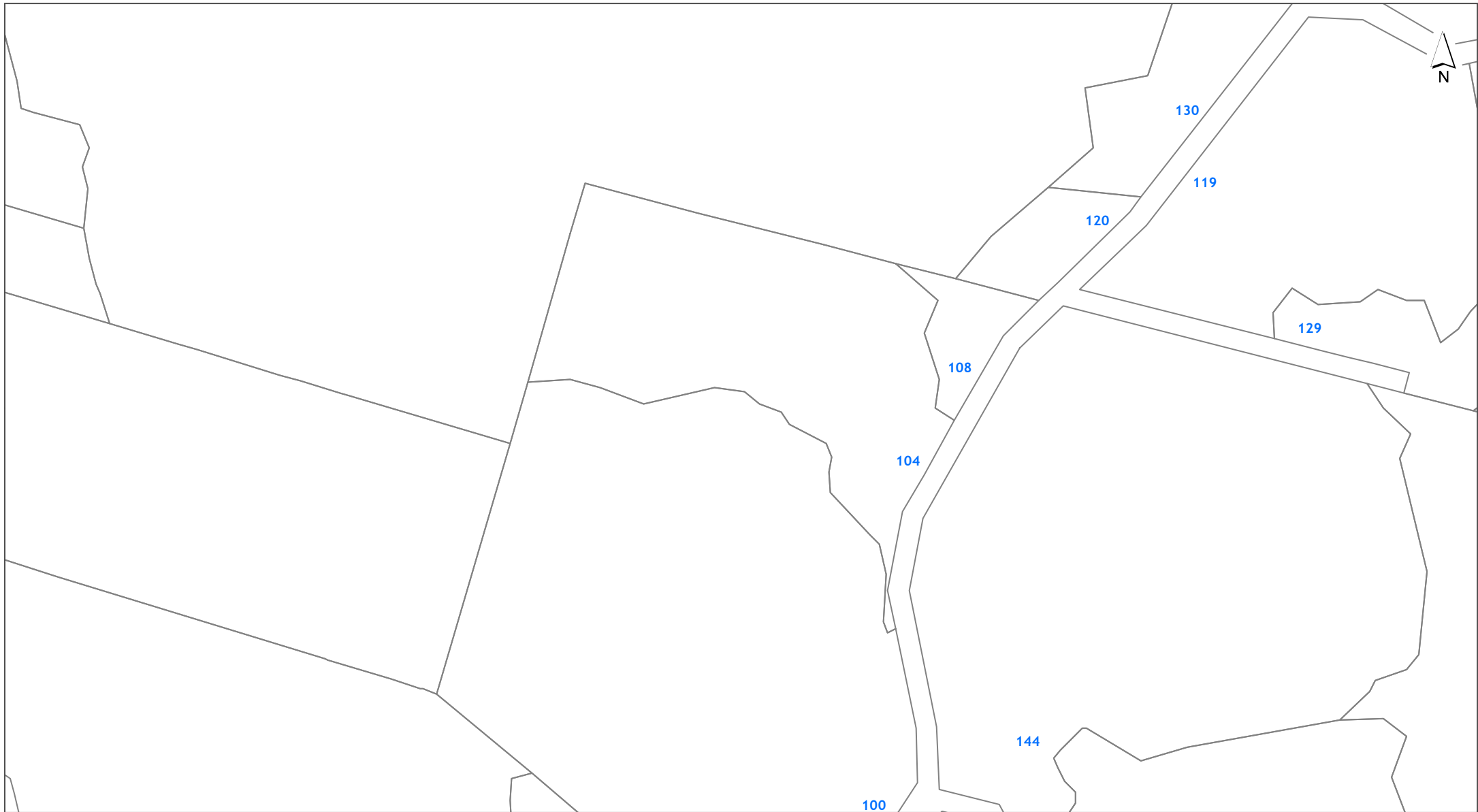


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Date Printed:  
12/09/2019





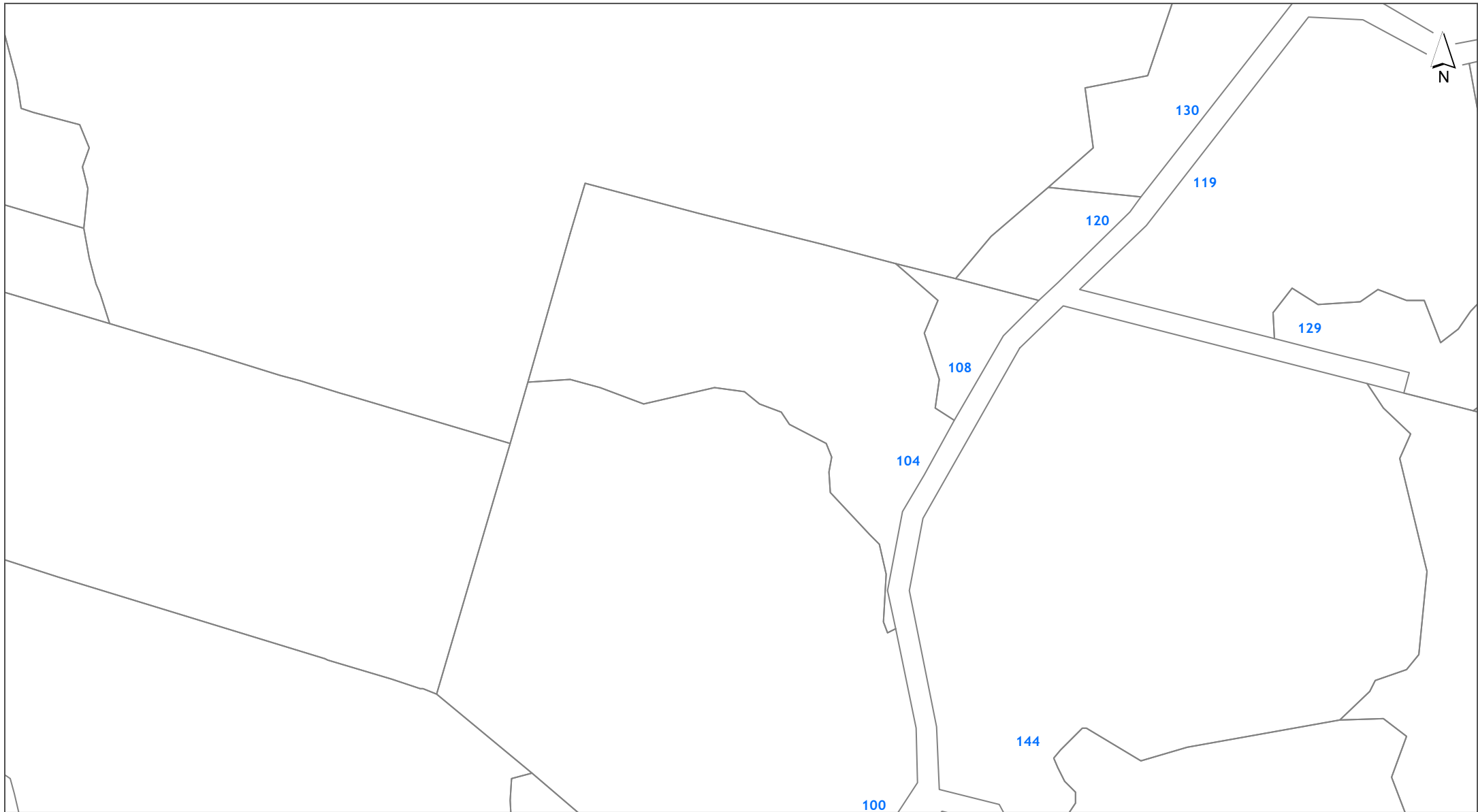


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**Infrastructure**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**

0 30 60 90  
Meters  
Scale @ A4  
= 1:5,000  
Date Printed:  
12/09/2019





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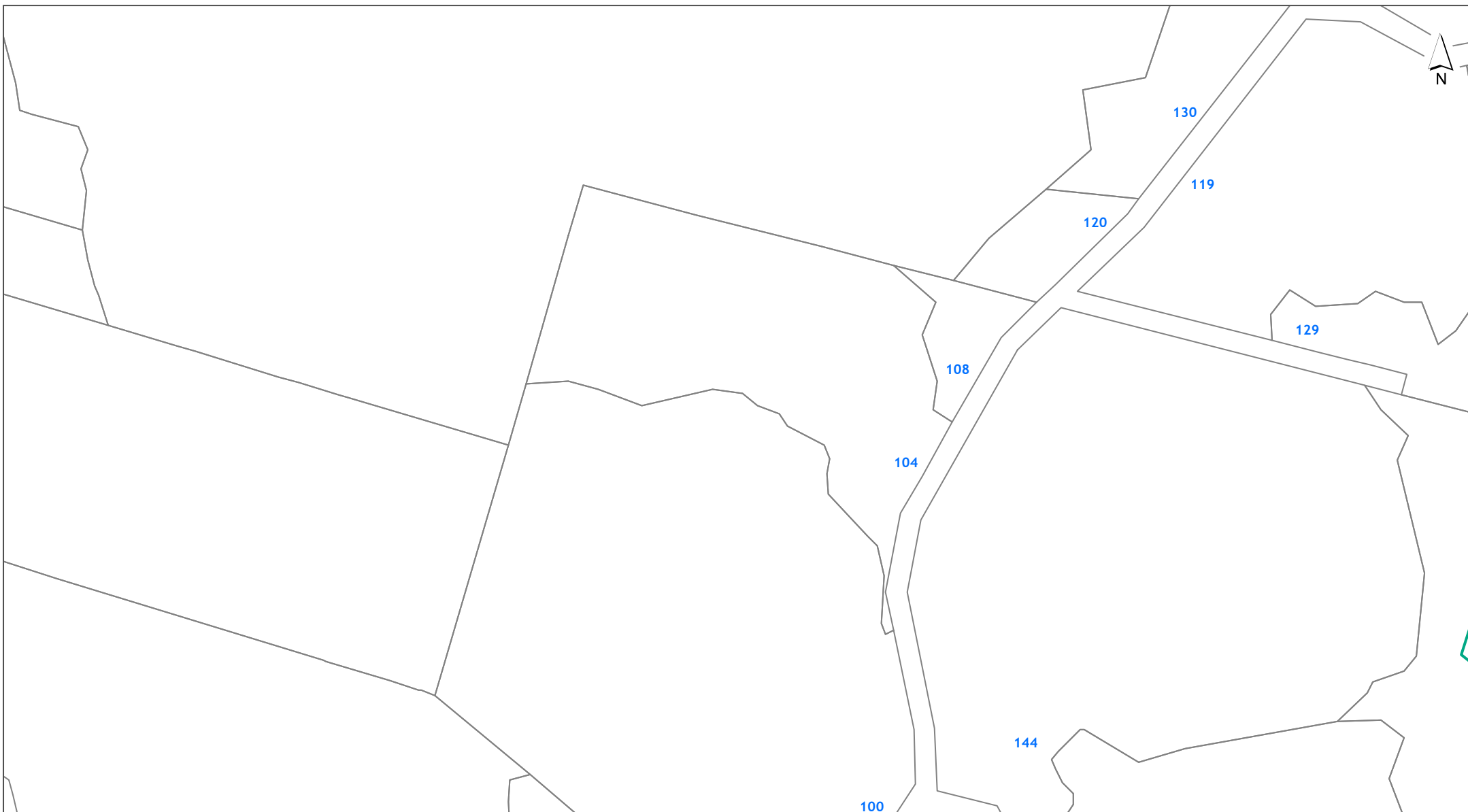
**Mana Whenua**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**



**Scale @ A4**  
**= 1:5,000**

**Date Printed:**  
**12/09/2019**





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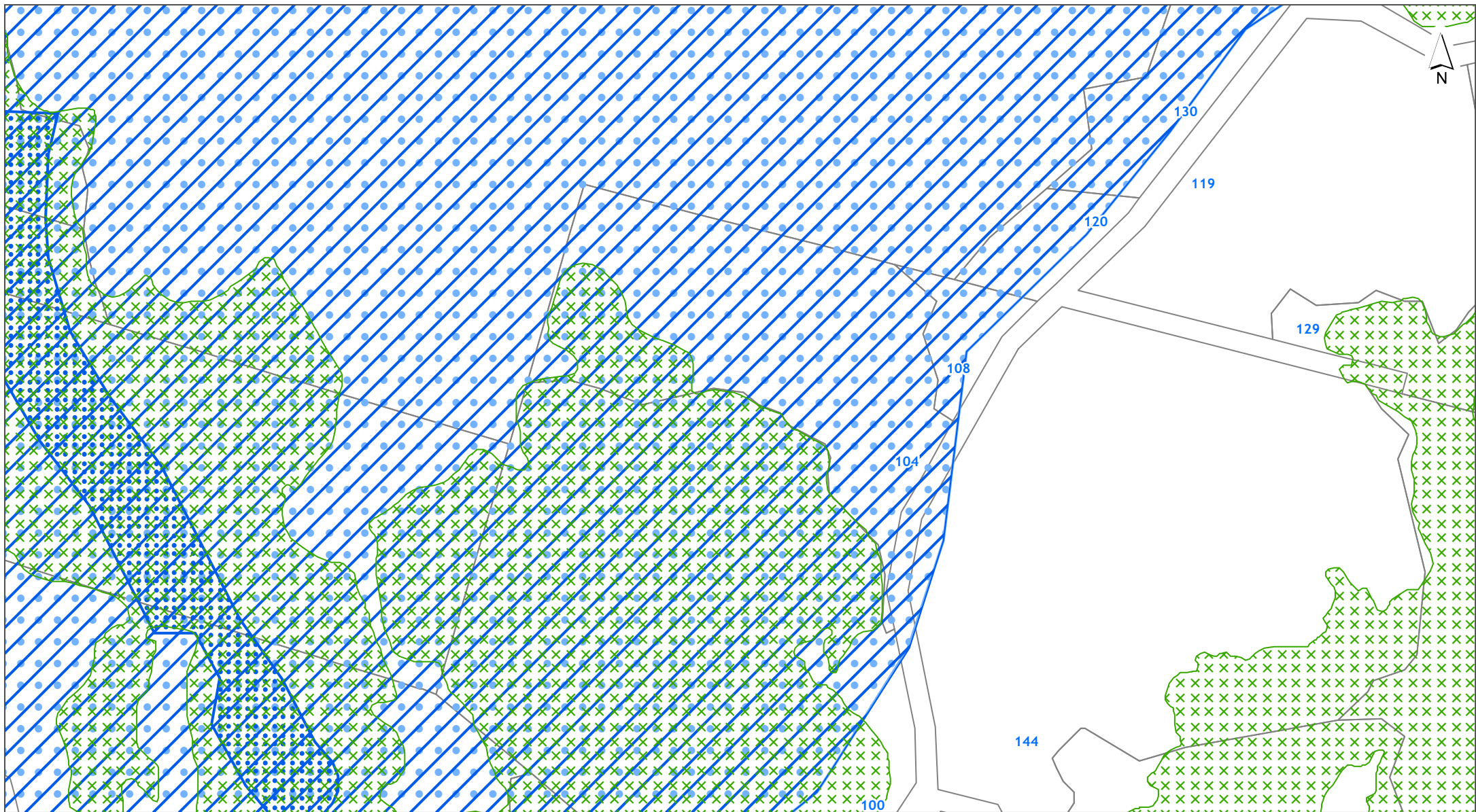
Natural Heritage  
104 Highridge Road Clevedon Auckland 2582  
LOT 2 DP 386643



Scale @ A4  
= 1:5,000

Date Printed:  
12/09/2019



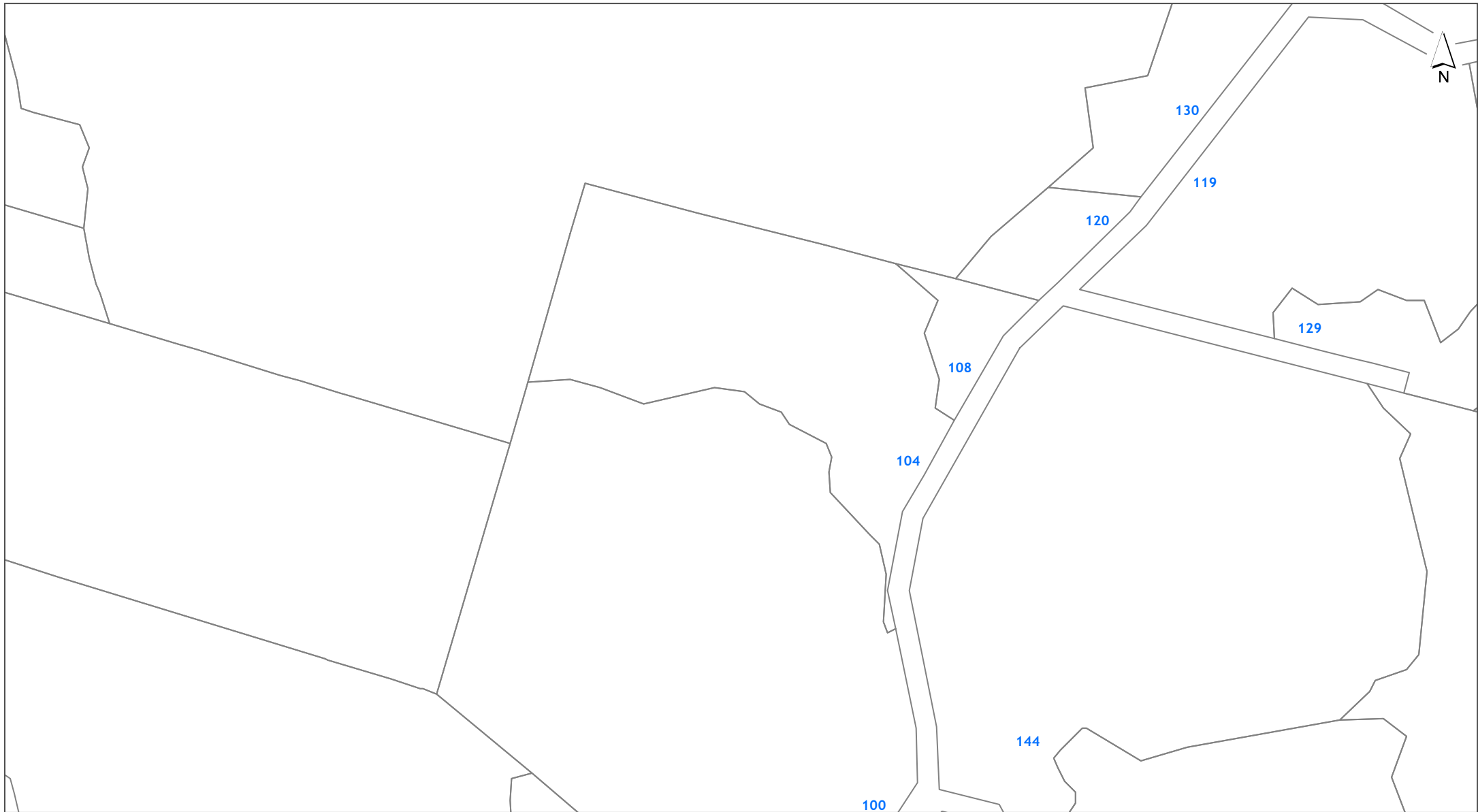


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**Natural Resources**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**

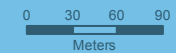
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 Meters  
 Scale @ A4  
 = 1:5,000  
 Date Printed:  
 12/09/2019





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Precincts  
104 Highridge Road Clevedon Auckland 2582  
LOT 2 DP 386643

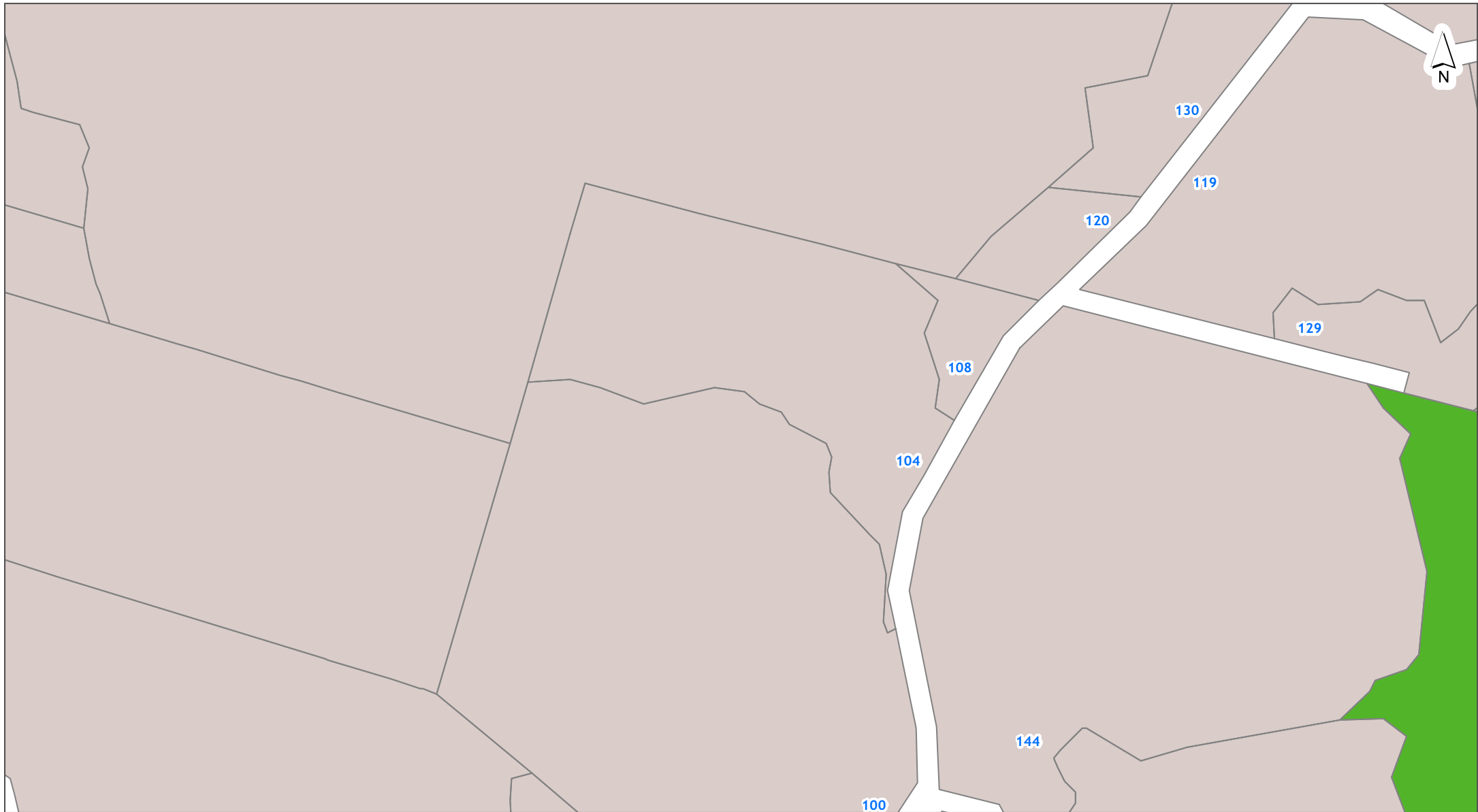


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Date Printed:  
12/09/2019

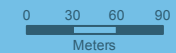






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**Zones and Rural Urban Boundary**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**





**Scale @ A4**  
**= 1:5,000**

**Date Printed:**  
**12/09/2019**





## NOTATIONS

### Appeals

-  Properties affected by Appeals seeking change to zones or management layers
-  Properties affected by Appeals seeking reinstatement of management layers

### Proposed Plan Modifications






-  Notice of Requirements
-  Plan Changes

### Tagging of Provisions:

- [ i ] = Information only
- [ rp ] = Regional Plan
- [ rcp ] = Regional Coastal Plan
- [ rps ] = Regional Policy Statement
- [ dp ] = District Plan (only noted when dual provisions apply)

## ZONING






### Residential

-  Residential - Large Lot Zone
-  Residential - Rural and Coastal Settlement Zone
-  Residential - Single House Zone
-  Residential - Mixed Housing Suburban Zone
-  Residential - Mixed Housing Urban Zone
-  Residential - Terrace Housing and Apartment Buildings Zone








### Business

-  Business - City Centre Zone
-  Business - Metropolitan Centre Zone
-  Business - Town Centre Zone
-  Business - Local Centre Zone
-  Business - Neighbourhood Centre Zone
-  Business - Mixed Use Zone
-  Business - General Business Zone
-  Business - Business Park Zone
-  Business - Heavy Industry Zone
-  Business - Light Industry Zone

### Open space

-  Open Space - Conservation Zone
-  Open Space - Informal Recreation Zone
-  Open Space - Sport and Active Recreation Zone
-  Open Space - Civic Spaces Zone
-  Open Space - Community Zone
-  Water [i]



### Rural

-  Rural - Rural Production Zone
-  Rural - Mixed Rural Zone
-  Rural - Rural Coastal Zone
-  Rural - Rural Conservation Zone
-  Rural - Countryside Living Zone
-  Rural - Waitakere Foothills Zone
-  Rural - Waitakere Ranges Zone

### Future Urban

-  Future Urban Zone
-  Green Infrastructure Corridor (Operative in some Special Housing Areas)

### Infrastructure

-  Special Purpose Zone - Airports & Airfields  
Cemetery  
Quarry  
Healthcare Facility & Hospital  
Tertiary Education  
Māori Purpose  
Major Recreation Facility  
School
-  Strategic Transport Corridor Zone

### Coastal

-  Coastal - General Coastal Marine Zone [rcp]
-  Coastal - Marina Zone [rcp/dp]
-  Coastal - Mooring Zone [rcp]
-  Coastal - Minor Port Zone [rcp/dp]
-  Coastal - Ferry Terminal Zone [rcp/dp]
-  Coastal - Defence Zone [rcp]
-  Coastal - Coastal Transition Zone



Precincts

--- Rural Urban Boundary

--- Indicative Coastline [i]

# Overlays

## Natural Resources

- Terrestrial [rp/dp]
- Marine 1 [rcp]
- Marine 2 [rcp]
- Water Supply Management Areas Overlay [rp]
- Natural Stream Management Areas Overlay [rp]
- High-Use Stream Management Areas Overlay [rp]
- Natural } Lake Management Areas Overlay (Natural Lake and Urban Lake)
- Urban }
- High-Use Aquifer Management Areas Overlay [rp]
- Quality-Sensitive Aquifer Management Areas Overlay [rp]
- Wetland Management Areas Overlay [rp]

## Infrastructure

- Airport Approach Surface Overlay
  - Aircraft Noise Overlay
  - City Centre Port Noise Overlay [rcp / dp]
  - Quarry Buffer Area Overlay
  - National Grid Subdivision Corridor
  - National Grid Substation Corridor
  - National Grid Yard Compromised
  - National Grid Yard Uncompromised
- } National Grid Corridor Overlay

## Mana Whenua

- Sites & Places of Significance to Mana Whenua Overlay [rcp/dp]

## Built Environment

- Identified Growth Corridor Overlay

## Natural Heritage

- Notable Trees Overlay
- Outstanding Natural Features Overlay [rcp/dp]
- Outstanding Natural Landscapes Overlay [rcp/dp]
- Outstanding Natural Character Overlay [rcp/dp]
- High Natural Character Overlay [rcp/dp]
- Viewshafts
- Height Sensitive Areas
- Regionally Significant Volcanic Viewshafts & Height Sensitive Areas Overlay [rcp/dp]
- Regionally Significant Volcanic Viewshafts Overlay Contours [i]
- Locally Significant Volcanic Viewshafts Overlay [rcp/dp]
- Locally Significant Volcanic Viewshafts Overlay Contours [i]
- Modified
- Natural
- Local Public Views Overlay [rcp/dp]
- Extent of Overlay
- Subdivision Schedule
- Waitakere Ranges Heritage Area Overlay

## Historic Heritage & Special Character

- Historic Heritage Overlay Place [rcp/dp]
- Historic Heritage Overlay Extent of Place [rcp/dp]
- Special Character Areas Overlay Residential and Business
- Auckland War Memorial Museum Viewshaft Overlay [rcp/dp]
- Auckland War Memorial Museum Viewshaft Overlay Contours [i]
- Stockade Hill Viewshaft Overlay – 8m height area
- Stockade Hill Viewshaft [i]

# Controls

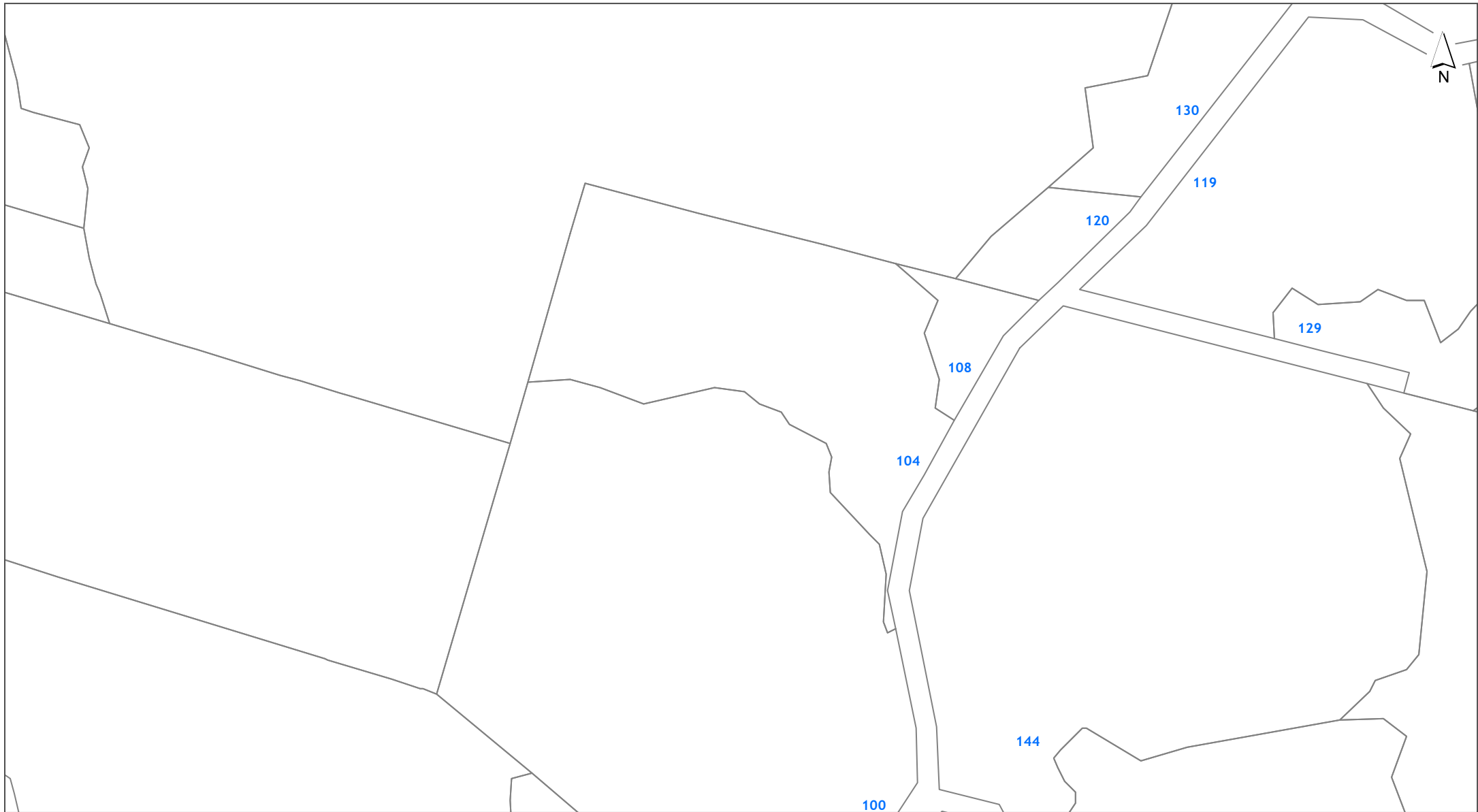
- Key Retail Frontage
  - General Commercial Frontage
  - Adjacent to Level Crossings
  - General
  - Motorway Interchange Control
  - Centre Fringe Office Control
  - Height Variation Control
  - Parking Variation Control
  - Level Crossings With Sightlines Control
  - Arterial Roads
- } Building Frontage Control
- } Vehicle Access Restriction Control

- Business Park Zone Office Control
  - Hazardous Facilities
  - Infrastructure
  - Macroinvertebrate Community Index
  - Flow 1 [rp]
  - Flow 2 [rp]
  - Subdivision Variation Control
  - Surf Breaks [rcp]
  - Cable Protection Areas Control [rcp]
  - Coastal Inundation 1 per cent AEP Plus 1m Control
- } Emergency Management Area Control
- } Stormwater Management Area Control

# Designations

- Designations

- Airspace Restriction Designations



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**Underground Services**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**

0 30 60 90  
 Meters  
**Scale @ A4**  
**= 1:5,000**  
**Date Printed:**  
**12/09/2019**



Stormwater

Note: Unless otherwise specified in the text below, the *colour* of a Stormwater symbol is determined by the ownership or usage status, using the following colour scheme:

**Public**, **Private** or **Abandoned**

- |  |                               |  |   |
|--|-------------------------------|--|---|
|  | Treatment Device              |  | Overland Flowpath (Public)                |
|  | Septic Tank                   |  | Overland Flowpath (Private)               |
|  | Septic Tank (Hi-Tech)         |  | Forebay (Public)                          |
|  | Soakage System                |  | Forebay (Private)                         |
|  | Inspection Chamber            |  | Treatment Facility (Public)               |
|  | Manhole (Standard / Custom)   |  | Treatment Facility (Private)              |
|  | Inlet & Outlet Structure      |  | Pump Station                              |
|  | Inlet & Outlet (No Structure) |  | Planting                                  |
|  | Catchpit                      |  | Embankment                                |
|  | Spillway                      |  | Viewing Platform                          |
|  | Safety Benching               |  | Bridge                                    |
|  | Culvert / Tunnel              |  | Erosion & Flood Control (Other Structure) |
|  | Subsoil Drain                 |  | Erosion & Flood Control (Wall Structure)  |
|  | Gravity Main                  |  |   |
|  | Rising Main                   |  |   |
|  | Connection                    |  |   |
|  | Fence                         |  |   |
|  | Lined Channel                 |  |   |
|  | Watercourse                   |  |   |

Water

- |  |                                      |
|--|--------------------------------------|
|  | Valve                                |
|  | Hydrant                              |
|  | Fitting                              |
|  | Other Watercare Point Asset          |
|  | Other Watercare Linear Asset         |
|  | Local Pipe (Bulk)                    |
|  | Local Pipe (In Service)              |
|  | Local Pipe (Abandoned)               |
|  | Transmission Pipe (In Service)       |
|  | Transmission Pipe (Out of Service)   |
|  | Transmission Pipe (Proposed)         |
|  | Pump Station                         |
|  | Reservoir                            |
|  | Other Structure (Local)              |
|  | Chamber (Transmission)               |
|  | Water Source (Transmission)          |
|  | Other Watercare Structures and Areas |

Wastewater

- |  |                                    |
|--|------------------------------------|
|  | Fitting                            |
|  | Fitting (Non Watercare)            |
|  | Manhole                            |
|  | Pipe (Non Watercare)               |
|  | Local Pipe (Main / Service Line)   |
|  | Local Pipe (Abandoned)             |
|  | Local Pipe (Future)                |
|  | Transmission Pipe (In Service)     |
|  | Transmission Pipe (Out Of Service) |
|  | Transmission Pipe (Proposed)       |
|  | Chamber                            |
|  | Structure (Non Watercare)          |
|  | Pump Station                       |
|  | Wastewater Catchment               |

Utilities

- |  |   |
|--|---|
|  | Transpower Site                         |
|  | Pylon (Transpower)                      |
|  | 110 kv - Electricity Transmission       |
|  | 220 kv - Electricity Transmission       |
|  | 400 kv - Electricity Transmission       |
|  | Aviation Jet A1 Fuel Pipeline           |
|  | Liquid Fuels Pipeline [Marsden to Wiri] |
|  | Gas Transmission Pipeline               |
|  | High-Pressure Gas Pipeline              |
|  | Medium-Pressure Gas Pipeline            |
|  | Indicative Steel Mill Slurry Pipeline   |
|  | Indicative Steel Mill Water Pipeline    |
|  | Fibre Optic Cable (ARTA)                |
|  | Contour Interval                        |

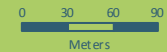
Legend updated: 15/08/2019





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**Hazards**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**



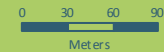
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**Date Printed:**  
**12/09/2019**





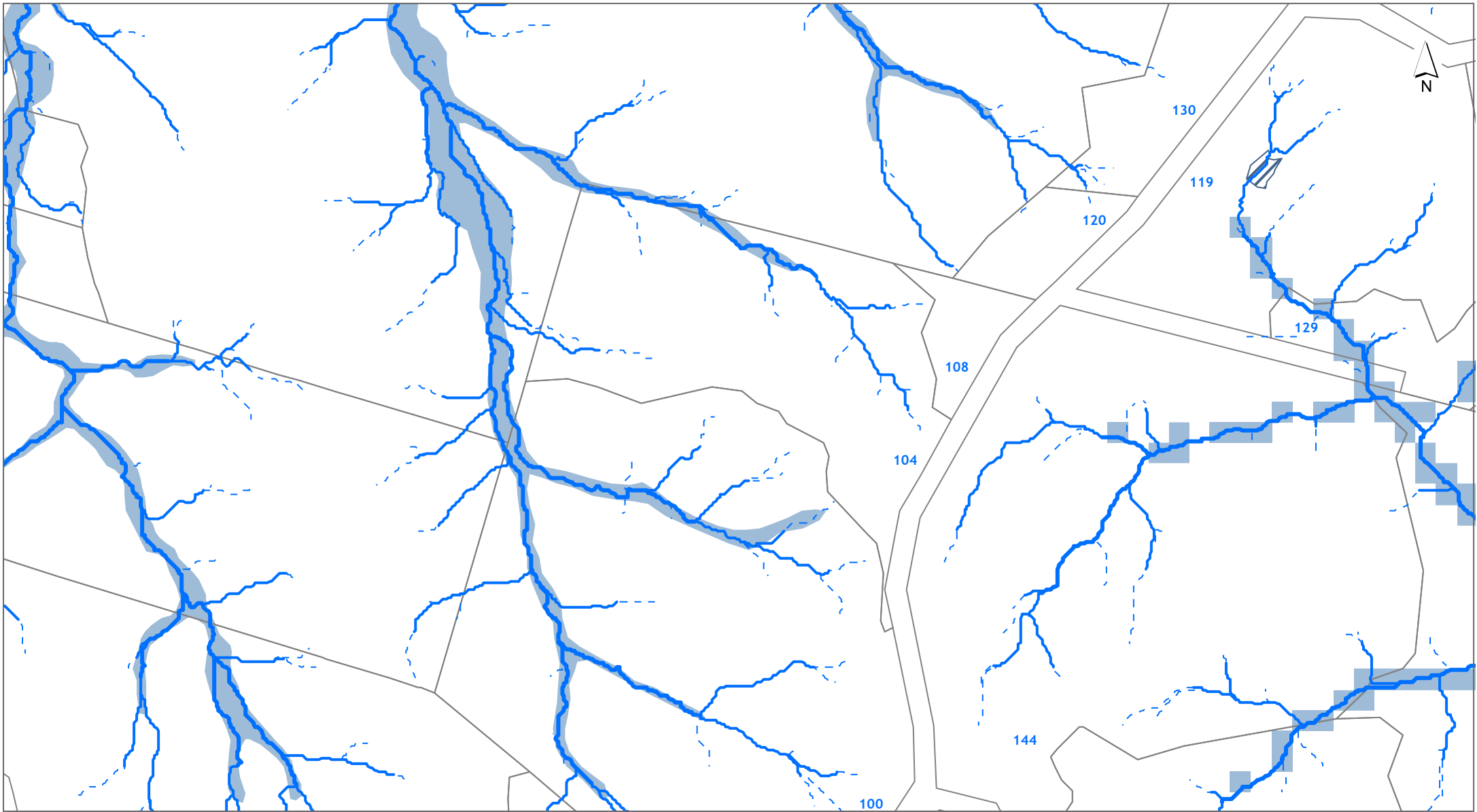
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**Natural Hazards - Coastal Inundation**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**



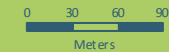
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**Natural Hazards - Flooding**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**



**Scale @ A4**  
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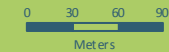
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**12/09/2019**





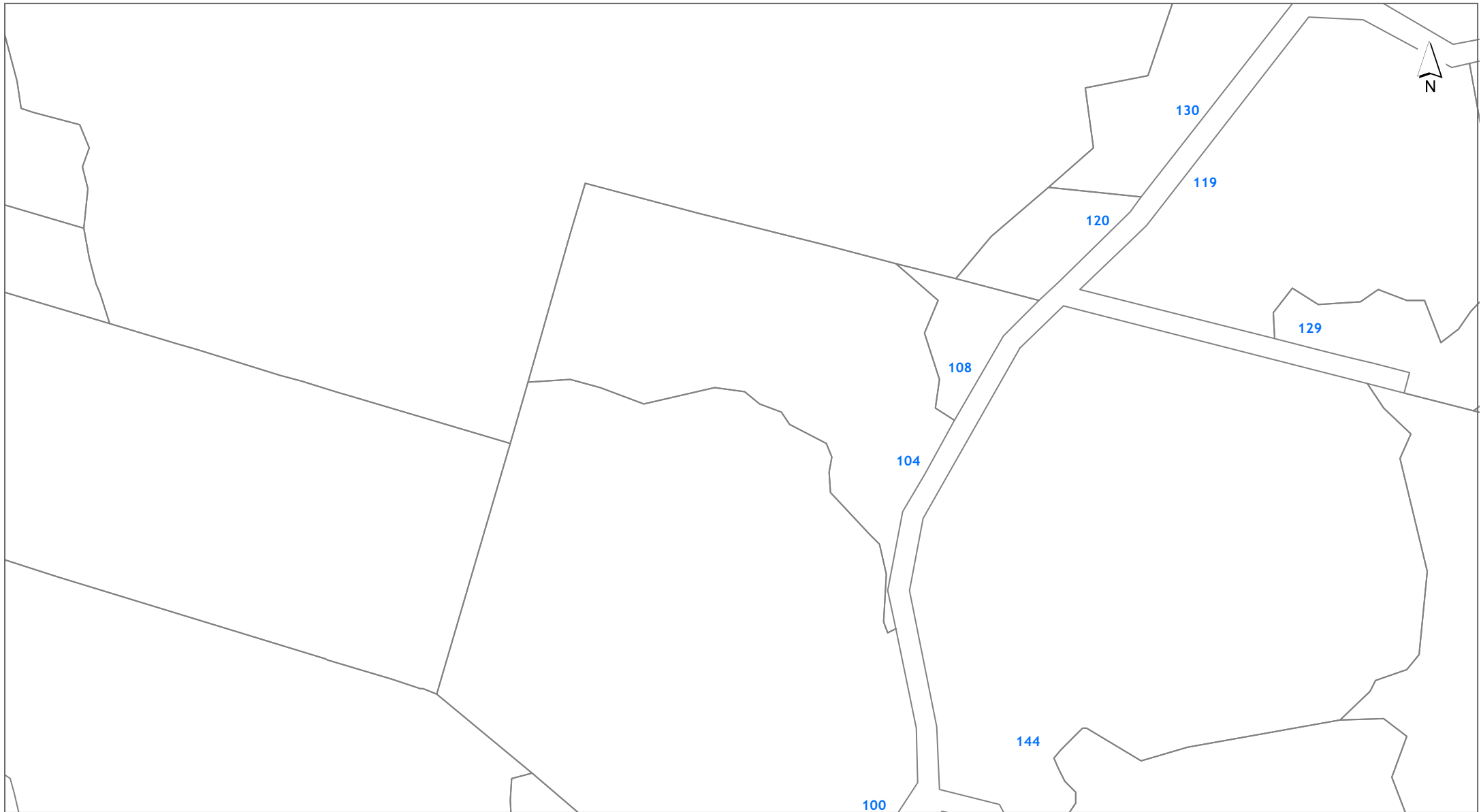
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**Natural Hazards - Sea Spray**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**



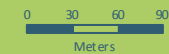
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**Natural Hazards - Volcanic Cones**  
**104 Highridge Road Clevedon Auckland 2582**  
**LOT 2 DP 386643**



**Scale @ A4**  
 = 1:5,000  
**Date Printed:**  
 12/09/2019





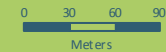
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**Other**

**104 Highridge Road Clevedon Auckland 2582**

**LOT 2 DP 386643**



**Scale @ A4  
= 1:5,000**

**Date Printed:  
12/09/2019**


















Hazards

Soil Warning Area

-  Fill (Franklin District only)
-  Advisory (Franklin District only)
-  Contamination (Franklin District only)
-  Erosion (Franklin District only)
-  Hazardous Activities & Industries List (HAIL) (Franklin District only)
-  Inundation (Franklin District only)
-  Rainfall Event (Franklin District only)
-  Slippage (Franklin District only)
-  Subsidence (Franklin District only)
-  Slippage / Subsidence / Erosion etc (Auckland City and Papakura District only)
-  Uncertified Fill (Auckland City and Papakura District only)
-  Organic Soil (Auckland City and Papakura District only)
-  Filled / Weak Ground (Auckland City and Papakura District only)
-  Refuse Tips Site / Weak Area (Auckland City and Papakura District only)
-  Unstable / Suspected Ground (Auckland City and Papakura District only)
-  Allochthon Waitemata (Rodney District only)
-  Motatau Complex (Rodney District only)
-  Puriri Mudstone (Rodney District only)
-  Mahurangi Limestone (Rodney District only)
-  Mangakahia Complex (Rodney District only)
-  Hukerenui Mudstone (Rodney District only)
-  Whangai Formation (Rodney District only)
-  Tangihua Complex (Rodney District only)
-  within 150m of Northland Allochthon (Rodney District only)




Hazards

Soil Warning Area continued




-  Soil D (Rodney District only)
-  within 150m of Soil D (Rodney District only)
-  Soil C (Rodney District only)
-  within 150m of Soil C (Rodney District only)
-  Soil B (Rodney District only)
-  within 150m of Soil B (Rodney District only)
-  Soil A (Rodney District only)
-  Gas Main Pipeline
-  Petroleum Pipeline
-  Closed Landfill (Auckland Council owned)
-  Closed Landfill (Privately owned)
-  Air Discharge (Franklin District only)
-  No Soakage (Franklin District only)
-  Indicative Steel Mill Slurry Line 20m Buffer (Franklin District only)
-  Indicative Steel Mill Water Line 20m Buffer (Franklin District only)





Natural Hazards

Overland Flow Path

-  Catchment area 2000m<sup>2</sup> to 3999 m<sup>2</sup>
-  Catchment area 4000 m<sup>2</sup> to 3 Ha
-  Catchment area 3 Ha and above








Coastal Inundation

-  1% AEP
-  1% AEP plus 1m sea level rise
-  1% AEP plus 2m sea level rise

-  1% AEP Flood Plain
-  Flood Prone Areas
-  Flood Sensitive Areas
-  Sea Spray
-  Volcanic Cones

Other

Cultural Heritage Index

-  Archaeological Site
-  Hayward and Diamond
-  Historic Botanical Site
-  Historic Structure
-  Maori Heritage Area
-  Maritime Site
-  Reported Historic Site

The information Council holds in relation to Special Land Features differs based on the area a property is located in. Those areas where information is held on a Special Land Feature is denoted in the legend above.

Legend updated: 12/06/2018

Drainage/Plumbing Permit No. 04/5007

Lot 2 D.P. 17504 VAL No. \_\_\_\_\_

No. 104 Street High Ridge Rd Cleveland

Owner's Name R Everson

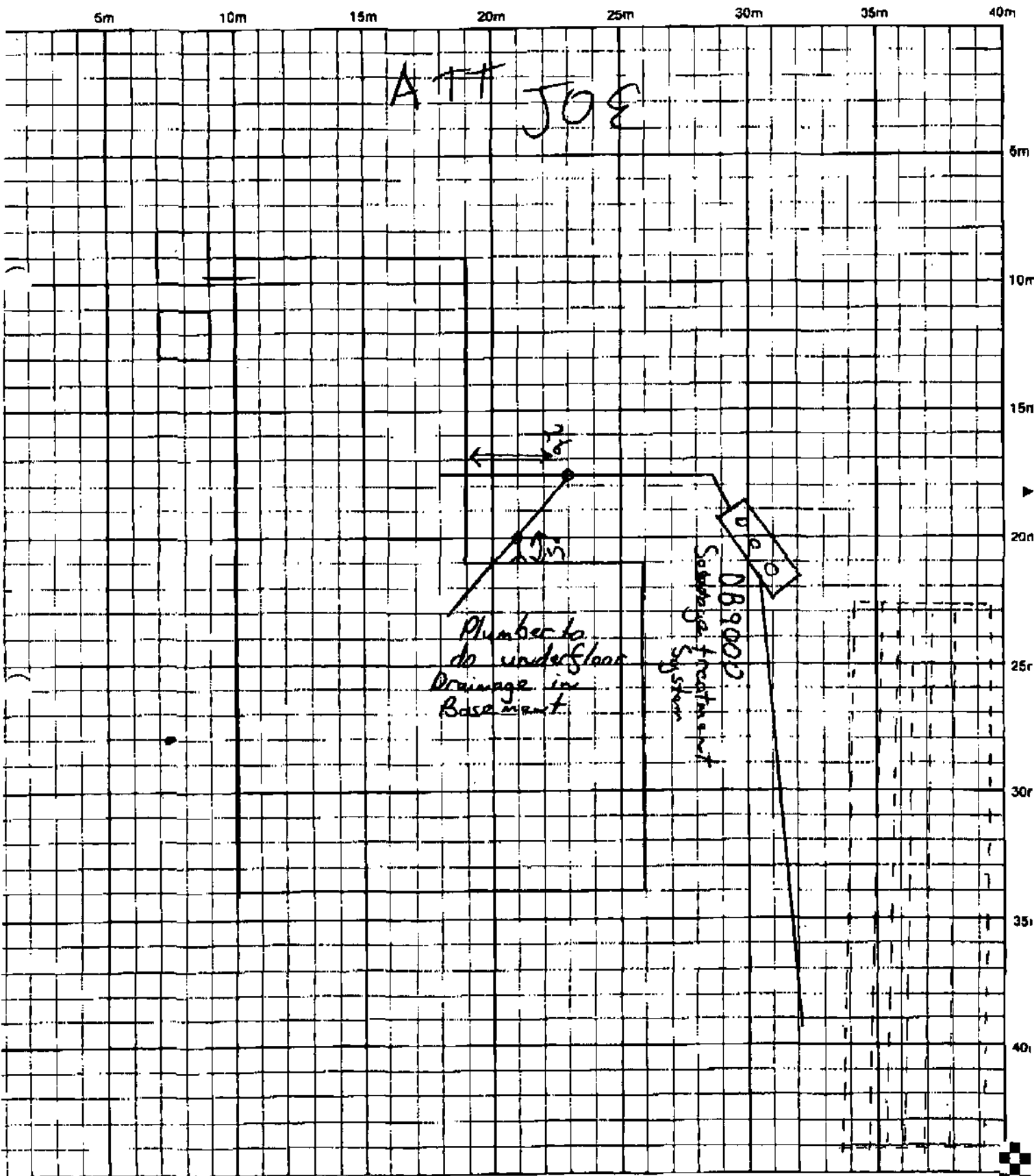
Drainlayer's/Plumber's Name R T Drainage 14370

**'AS BUILT PLAN'**

TO BE PRESENTED TO INSPECTOR  
AT TIME OF DRAIN TEST &/OR INSPECTION

SCALE = 5mm:1m (1: 200) one small square equals 1m<sup>2</sup>. All other sections (including Farms, etc.), please state scale used.  
Plans to be drawn in ink - Red for sanitary, Blue for stormwater, Black for buildings and boundaries.

**ROAD BOUNDARY**



092353276

file



Te Kaunihera o  
**MANUKAU**  
City Council

## **Environmental Services**

29 September 2004

Roger and Carol Everson  
c/o Mr Grant Beazley  
GMB Design Limited  
5 Pateke Drive  
Takanini

Private Bag 76917  
Manukau City  
New Zealand  
DX EP75557  
Ph 09 263 7100  
Fax 09 262 5151  
[www.manukau.govt.nz](http://www.manukau.govt.nz)

Dear Sir/Madam

### **DECISION ON AN APPLICATION FOR A LAND USE RESOURCE CONSENT**

- Applicant** : Roger and Carol Everson
- Application** : A land use consent for a Restricted Discretionary Activity to relocate a two storied dwelling onto the site involving 330m<sup>3</sup> earthworks
- Site** : 104 Highridge Road, Clevedon
- Legal Description** : LOT 2 DP 175041
- Zoning** : Rural 1 – Manukau Operative District Plan
- Proposal No** : 26319

I wish to advise that consent for the above application was granted on 29 September 2004 under delegated authority and pursuant to Sections 104, 104C and 108 of the Resource Management Act 1991 subject to the following conditions being completed to the satisfaction of Council and at no cost to the Council:

#### **General**

1. That pursuant to Section 36 of the Resource Management Act 1991, this consent (or any part thereof) shall not be exercised until such time as all charges in relation to the receiving, processing and granting of this Resource Consent are paid in full.
2. That the development and activity shall be in general accordance with the description and plans submitted with the application, and numbered **26319** by Council.

## Engineering

3. The earthworks and silt control shall be undertaken in general accordance with the approved plans submitted with the application, referenced E17/26319 by Council and the recommendations of the Geotechnical report by Eden Consultants Limited. As the earthworks are progressively completed, the site shall be stabilised against erosion.
4. A 'pre-construction' meeting shall be arranged 48 hours prior to commencement of the earthworks. Please contact Council's Resource Management Engineer - Compliance, (phone 262-8900 extension 5850).
5. The earthworks shall be completed to the satisfaction of the Manager - Resource Consents & Compliance within six months of the commencement of these works and prior to occupation of the proposed buildings
6. All land modification works shall be undertaken in such a manner as to ensure that beyond the boundary of the site there should be no 'dust' or 'soil erosion / siltation', which in the opinion of the Manager - Resource Consents & Compliance, is objectionable, offensive or has the potential to create an adverse effect on the receiving environment.
7. The applicant shall be responsible to ensure that the land within the above site and the land on adjoining properties remains stable at all times in respect to the approved works.
8. Control measures shall be in place to ensure that any trucks leaving the site do not deposit soil or other debris on public roads. Any such material deposited on any public road shall be cleaned up immediately at the applicant's expense.
9. A satisfactory foundation investigation report for the site has been received from Eden Consultants Limited. A foundation **completion report** for the site shall be submitted to the satisfaction of the Manager - Resource Consents & Compliance upon the completion of the land modification works. The report shall readdress the previous recommendations for this site and provide further amendments and recommendations as necessary.

## REASONS FOR DECISION

1. The application merits the granting of a resource consent pursuant to Sections 104, 104C and 108 of the Resource Management Act 1991.
2. The proposed building is not contrary to the relevant objectives and policies of the Manukau Operative District Plan and the dwelling will not detract from the character and amenity values of the surrounding area.
3. The design and external appearance of the proposed dwelling is consistent with the built form in the vicinity and the adverse effects are considered to be no more than minor.

## ADVICE NOTES

1. In accordance with Section 125 of the Resource Management Act 1991 this consent will lapse five years unless a longer or shorter period is specified, after the date on which it was granted unless it has been given effect to before the end of that period. However the Council does have the power to extend this period in certain cases where an application under Section 125 is made before the consent lapses.
2. This consent does not constitute authority to build or undertake private drainage works. If you have not already done so it will be necessary for you to apply for a

Project Information Memorandum and Building Consent for any proposed buildings or private drainage.

3. A copy of this consent and the associated approved drawings should accompany your application for a Project Information Memorandum and Building Consent. If not supplied unnecessary delay may occur in the processing of your application.

### **COSTS**

1. Your deposit of \$ 562.50 already paid has been deducted from the total costs.
2. In addition to the consent charge for this consent, and pursuant to Section 36(1)(c) of the Resource Management Act 1991, an engineering administration and inspection charge, relating to the engineering conditions of the Resource Consent will be applicable (together with administration charges relating to the release of the subdivision) by determining all reasonable and actual costs incurred by Council. The actual charges incurred in the Council's field monitoring of the engineering works will be determined at the completion of works and will be payable prior to release. The applicant will be advised of the charges as they fall due.
3. The aforementioned fee is in addition to the normal fees and requirements as imposed by the Manager - Building Consents for the Building Consent.

### **RIGHT OF OBJECTION**

Within 15 working days of receipt of this decision (commencement date stamped below) you may lodge an objection to the decision pursuant to Section 357(2) of the Resource Management Act 1991. Any such objection shall be made by notice in writing to the Council setting out the reasons for the objection and the relief sought.

Any such objection may incur the reasonable costs of processing the objection above and beyond the deposit fee (Sec 36(3) of the Act).

Should you have to enter into any future correspondence, building consent applications, or enquiries relating to this consent, could you please ensure that you include the file reference at the foot of page one of this letter.

Yours faithfully



Robert Chieng  
Team Leader - Resource Consents  
ENVIRONMENTAL SERVICES

Date 5/10/04  
Commencement of 15 Working Days  
RE : S 357 RM Act 1991



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **346770**  
**Land Registration District** **North Auckland**  
**Date Issued** 03 May 2010

**Prior References**

NA107D/27                      NA107D/28

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**Estate**                      Fee Simple  
**Area**                        7.4154 hectares more or less  
**Legal Description** Lot 2 Deposited Plan 386643

**Registered Owners**

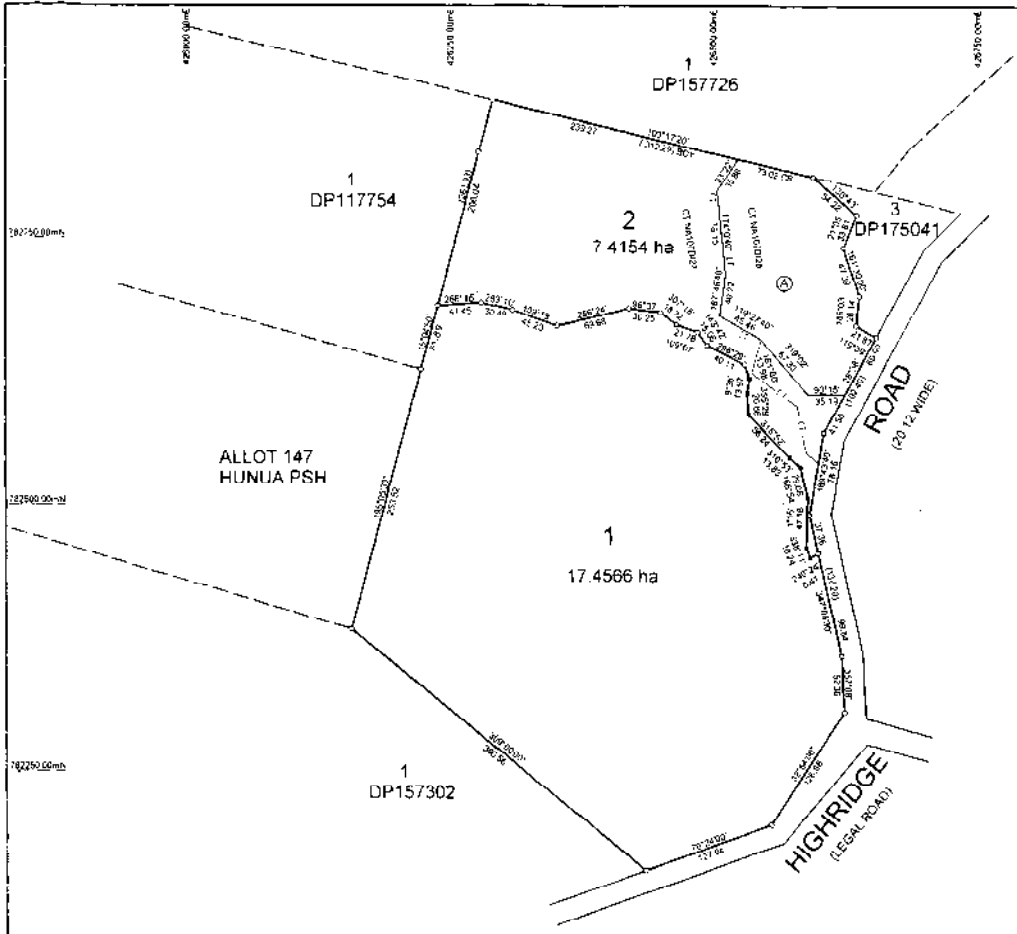
Ian Roger Everson, Carol Marie Livingstone and Avimore Trustees Limited

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**Interests**

D049215.2 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 26.9.1996 at 10.16 am  
8973571.2 Mortgage to ASB Bank Limited - 9.2.2012 at 1:05 pm





<b>Approvals</b>	
I HEREBY CERTIFY THAT THIS PLAN WAS APPROVED BY THE MANUKAU CITY COUNCIL PURSUANT TO SECTION 223 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE 27 <sup>th</sup> DAY OF <u>MAY</u> 2007.	
<i>[Signature]</i> COUNCILLOR OFFICER	
EXISTING COVENANTS	
PURPOSE	SHOWN
CONSERVATION	(A)
LOT 2 HEREIN	CT 040215 2
NEW Cst ALLOCATED	
LOT 1 CT 348769	
LOT 2 CT 348770	
CLASS OF SURVEY (11)	
Total Area 24.8720 ha	
Comprised in CT N4-107D27 & N4-107D28 (ALL)	
1 DUNCAN MATTHEW LUCAS Being a portion thereof to practice as a licensed cadastral surveyor.	
2 The survey is in compliance with the provisions of the Land Information Act 2002 and the Survey Act 2002.	
3 The survey is in compliance with the provisions of the Land Information Act and the Survey Act.	
30 <sup>th</sup> APRIL 2007 <i>[Signature]</i>	
Form Used	0 Title Plan Book 0
Reference Plans	
Examined	Correct
Approved as to Survey by Land Information	
New Zealand on 27/05/2007	
Deposited by Land Information New Zealand on 3/5/2010	
File No:	DP386643

LAND DISTRICT NORTH AUCKLAND  
 SURVEY BLK. & DIST. XII WAIROA

PLAN OF LOTS 1 & 2 BEING SUBDIVISION  
 OF LOTS 1 & 2 DP 175041

TERRITORIAL AUTHORITY MANUKAU CITY  
 Surveyed by MCINNES READ & LUCAS LTD  
 Scale 1:2500 Date APRIL 2007

# Tender Protocol

## IMPORTANT NOTE:

The tender protocol to be observed in respect of the sale of the Property shall be either:

- ~~(a) No Right to Sell Prior (the Vendor does not have the right to sell prior to the Closing Date and Time); or~~  
(b) Right to Sell Prior (the Vendor has the right to sell prior to the Closing Date and Time).

If neither option is deleted on the front page then the tender protocol in respect of the sale of the Property is deemed to be No Right to Sell Prior.

## TENDER PROTOCOL (RIGHT TO SELL PRIOR)

1. The Vendor, the Licensed Real Estate Agent acting for Vendor and the Licensee Acting shall not disclose the details of a tender to any other tenderer.

2. Tenderers are encouraged to submit their highest and best offers by the Closing Date and Time, it being acknowledged that the Vendor is not obliged to accept any of the tenders and that the Vendor may negotiate with one or more tenderer(s) to the exclusion of the others.

3. Tenders will be submitted into locked tender boxes and in sealed envelopes only and shall remain unopened until the Closing Date and Time.

4. Tenders will be collected from the tender box by one of the specified independent Bayleys tender management personnel or sent via facsimile to a dedicated and confidential Bayleys tender fax line.

5. The Licensee Acting plus one of the specified independent Bayleys personnel must be present at the opening of tenders. Tender details will be entered onto a basic matrix and this will be submitted to the Vendor for the Vendor's consideration.

6. In the event that an offer (not being an Offer pursuant to this tender process) is received prior to the Closing Date and Time the Licensee Acting must ensure that such offer contains a clause to the effect that the offer is open for acceptance by the Vendor and cannot be revoked by the person making the offer at any time prior to 5.00pm on the date two (2) Working Days after the offer is received by the Licensee Acting. If such a clause is not included in the offer the offer shall not be considered by the Vendor and the tender process shall continue.

7. In the event that an offer complying with paragraph 6 above is received prior to the Closing Date and Time the Licensee Acting must adhere to the following protocol:

- (a)** advise one of the specified independent Bayleys tender management personnel of the offer;
- (b)** following consultation with the Licensee Acting the Vendor shall decide if the Vendor wishes to accept the pre-tender offer;
- (c)** if the Vendor elects to treat with the pre-tender offeror, all prospective tenderers who have registered their interest during the tender campaign must be contacted either by the Licensee Acting or the introducing licensee and be given the opportunity to submit an offer;
- (d)** all offers will be required to be submitted by 4pm on the day following receipt of notice or such later time as the Vendor may stipulate.
- (e)** if the Vendor declines to treat with the pre-tender offeror no further negotiations by the Vendor shall take place and the tender process shall continue.

8. Following the Closing Date and Time the Vendor may choose to accept any tender at the Vendor's sole discretion.

9. In the event that none of the tenders are acceptable to the Vendor the Vendor may elect to instruct the Licensee Acting to re-visit any one or more tenders (the "preferred tender(s)"). The preferred tender(s) will be determined at the sole discretion of the Vendor.

Continued on next page.



# Tender Protocol

## **TENDER PROTOCOL (RIGHT TO SELL PRIOR CONT.)**

10. The preferred tender(s) will be re-visited to the exclusion of ALL other tenders.

11. The tenderer(s) holding the preferred tender will be given the opportunity to re-submit his, her, its or their respective tender(s) on either the same or revised terms by 4.00pm on the day following notification that he, she, it or they is/are the preferred tenderer (or within a revised timeframe agreed by both the Vendor and tenderer) not being later than five (5) Working Days after the Closing Date and Time.

12. The Vendor may choose to accept the resubmitted tender(s) or continue negotiations with the preferred tender(s) ONLY.

13. In the event that negotiations with a preferred tenderer cannot be successfully concluded the Licensee Acting MUST revisit ALL other tenderers who submitted tenders and give the tenders the opportunity to resubmit their tenders on the same or revised terms by 4.00 pm on the day following notification or such other time as the Vendor may stipulate (but not being later than five (5) Working Days after the Closing Date and Time).

14. If, following negotiations, the Vendor has not accepted a tender the Licensee Acting will advise the introducing licensee that all tenders submitted are unacceptable, that the tender process is at an end and that any further negotiations will proceed on a private treaty basis only.

15. Following the Closing Date and Time, and until a tender is accepted or the tender process has been completed, the Licensee Acting will keep the introducing licensees informed as to the tender progress.

**PRE-TENDER OFFER PROCEDURE & AGREEMENT  
PURCHASER'S ACKNOWLEDGEMENT**

Subject Property Address: 104 Highridge Road, Clevedon, Auckland  
Vendor(s) Names: Carol Marie Livingstone, Ian Roger Everson, Aviemore Trustees Limited  
Prospective Purchaser(s) Names:   
Date: Time:

The following procedure will occur in the event of offers made which are not made pursuant to the tender process ("pre-tender offers"):

**1) Terms of Offer:**

Any pre-tender offer by prospective purchaser(s) must be: submitted in writing; drawn up on the current ADLS / REINZ approved terms & conditions of tender sale documentation; approved by the vendor's Solicitor; a deposit of 10% payable on the execution of the tender contract by the purchaser.

**2) The offer to be conditional upon the following clauses:**

- 21.0 Pre-Tender Offer Condition
- 21.1 This agreement is conditional upon the vendor not receiving an offer at the tender close at a purchase price higher and or terms better than the purchase price and terms set out in this agreement. If no better offer is received, this agreement shall be deemed to be accepted. If a higher bid or with terms better is received, this agreement shall be cancelled.
- 21.2 The vendor agrees that the date of the tender close shall be brought forward and held before 4pm on the second working day after the date this agreement is signed by both parties.
- 21.3 As soon as reasonably practicable but no later than 4.00pm on the next working day following the tender close negotiations having been completed, the vendor shall notify the purchaser in writing as to whether or not the condition in clause 22.1 has been satisfied.
- 21.4 For the purposes of this clause 22.0 the tender shall be deemed to have been completed when the vendor notifies the purchaser in writing as is whether or not Clause 22.1 has been satisfied.
- 21.5 This clause is for the sole benefit of the vendor.
- 22.0 Confidentiality
- 22.1 The parties agree and warrant they will keep the contents (but not the existence) of this agreement strictly confidential between them (and their legal advisers) until

**STRICTLY CONFIDENTIAL**

the unconditional date or such time prior or later as agreed by both parties. It is agreed that this is an essential term of the agreement.

**3) Confidentiality of Offer:**

The terms of the offer shall remain confidential to the agent, the purchaser(s), the vendor(s) and their solicitor(s) and will not be disclosed to any other party.

**4) Offer Presentation:**

The offer will be presented to the vendor(s) by the listing salesperson and / or manager.

**5) Pre-Tender Offer Procedure:**

(a) In the event that a pre-tender offer is received prior to the closing date and time under the tender process the vendor acknowledges the following protocol will be followed:

- (i) the Bayleys licensee shall advise one of the specified independent Bayleys tender management personnel of the offer;
- (ii) following consultation with the Bayleys licensee the vendor shall decide if the vendor wishes to accept the pre-tender offer;
- (iii) if the vendor elects to treat with the pre-tender offeror, all prospective tenderers who have registered their interest during the tender campaign must be contacted either by the Bayleys licensee or the introducing licensee and be given the opportunity to submit an offer;
- (iv) all offers will be required to be submitted by 4.00pm on the day following receipt of notice or such later time as the vendor may stipulate.
- (v) if the vendor declines to treat with the pre-tender offeror no further negotiations by the vendor shall take place and the tender process shall continue.

**IMPORTANT:**

The tender will be conducted in accordance with all normal Bayleys tender policies and procedures.

**PURCHASER ACKNOWLEDGEMENT:**

The Purchaser(s) agree with the procedure as outlined above and, by way of signing below, confirm their acceptance of the Bayleys tender protocol.

.....

<b>Purchaser</b>	<b>Date</b>
.....	.....

.....

<b>Purchaser</b>	<b>Date</b>
.....	.....

.....



## Residential Land Statement

### Section 51A of the Overseas Investment Act 2005

A separate Residential Land Statement will need to be completed for each individual or entity (non-individual/corporate).  
Individuals complete Part 1a, entities (non-individual/corporate) complete Part 1b.

#### Part 1a Individuals

I am an individual completing the statement for myself (*purchasing the residential land in your own name*)

#### Am I eligible to buy under the Overseas Investment Act 2005?

(Tick which applies)

Yes, I am a current New Zealand citizen

Yes, I am an Australian or Singaporean citizen buying residential land only

Yes, I hold a New Zealand residence class visa **or** Australian or Singaporean Permanent Resident visa **and all** of the following applies:

- I have been residing in New Zealand for at least the immediately preceding 12 months; and
- I am a tax resident in New Zealand; and
- I have been present in New Zealand for 183 days or more in the immediately preceding 12 months.

Yes, I am an Australian or Singaporean Citizen buying residential land that is also sensitive for another reason and I have consent from the Overseas Investment Office

→ Please provide Overseas Investment Office case number

Yes, I have consent from the Overseas Investment Office

→ Please provide Overseas Investment Office case number

Yes, an exemption applies

→ Please provide Overseas Investment Office case number or statutory reference

If you require consent and have not applied, or an exemption does not apply, contact the Overseas Investment Office or seek legal advice.

#### Part 1b Entities (non-individual/corporate)

(Tick which applies)

I am completing the statement for a body corporate, company, partnership or other entity

I am completing the statement for someone else under an enduring power of attorney or on behalf of trustees of a trust

→  Please attach a certificate of non-revocation if you are acting under an enduring power of attorney

#### Is the entity eligible to buy under the Overseas Investment Act 2005?

Yes, the entity is neither an overseas person nor an associate of an overseas person

Yes, the entity has consent from the Overseas Investment Office

→ Please provide Overseas Investment Office case number

## Part 2

### Name(s) of person or entity

What is the full name(s) of the person or entity that will appear on the record of title as the new owner(s)?

## Part 3

### The residential land being acquired

What is the record of title reference for the residential land or the street address?

## Part 4

### Signature

I certify that all of the information in this statement is true and correct.

Your name

Signature

Date signed

Position or office held (if signing as an authorised person)



#### You must provide this statement to your conveyancer or lawyer

Conveyancers will rely on the information provided in the statement in giving effect to the acquisition of the interest in residential land.

Providing a statement that is false or misleading is an offence under the Overseas Investment Act 2005 and you may be liable for a penalty of up to \$300,000.

Contact the Overseas Investment Office

**Phone:** 0800 665 463 (in NZ) or +64 7 974 5595 (if overseas)

**Email address:** [oio@linz.govt.nz](mailto:oio@linz.govt.nz)

**Website address:** [www.linz.govt.nz/oio](http://www.linz.govt.nz/oio)



## Important things to know:

1. A sale and purchase agreement is a **legally binding** contract.
2. The real estate agent is **working for the seller** of the property, but must treat the buyer fairly.
3. You need to understand the difference between a **conditional** and an **unconditional** agreement.
4. You can **negotiate** the conditions you require in a sale and purchase agreement.
5. Make sure you **read** and **understand** the sale and purchase agreement before signing it.
6. It is recommended that you get your **lawyer to check** the sale and purchase agreement before you sign it.

## Introduction

Buying or selling a home is one of the biggest financial commitments you will ever make. There are several relatively complicated stages to negotiate and there are a number of things to look out for.

When you are buying or selling residential property you should always have a written sale and purchase agreement. This is the legal document that forms the contract between the buyer and the seller.

**This is a guide to the sale and purchase agreement that you will be asked to sign if you wish to buy or sell residential property.**

This guide provides information about sale and purchase agreements, tells you where you can get more information, what to expect from a real estate agent<sup>1</sup> and what to do if there is a problem.

**This guide only relates to the sale of residential property.**

This guide is just that – guidance. You should not rely on it for legal advice. It's been prepared by the Real Estate Agents Authority (REAA), a Crown entity established by the Real Estate Agents Act 2008.

Whether you are a buyer or a seller, the agent must provide you with a copy of this guide before you sign a sale and purchase agreement, and ask you for written acknowledgement that you have received it. If you require more information, you can consult your lawyer. Information is also available on the REAA's website: [www.reaa.govt.nz](http://www.reaa.govt.nz).

## Why do I need a sale and purchase agreement?

A sale and purchase agreement provides certainty to both the buyer and the seller as it sets out in writing all the agreed terms and conditions. It is a legally binding contract.

## Can I negotiate?

The seller and buyer can negotiate, through the agent, on price and conditions until they both reach agreement.

### Important things to know:

- You should have a written sale and purchase agreement.
- Always read the sale and purchase agreement before signing it.
- Have your lawyer check the sale and purchase agreement before you sign it.
- Both the buyer and seller can negotiate changes to the price and conditions.
- A sale and purchase agreement is a legally binding contract.

## The sale and purchase agreement

Your agent will probably use the Auckland District Law Society and Real Estate Institute of New Zealand form (the ADLS form).

Your sale and purchase agreement should include the following:

- The name(s) of the seller(s) and buyer(s).
- The address of the property.
- The type of title (freehold, leasehold etc.).
- The chattels that are to be sold with the property (e.g. whiteware, drapes, television aerial etc.).
- The price.

- The rate of interest that the buyer must pay on any overdue payments.
- Any deposit that the buyer must pay.
- Any conditions the buyer wants fulfilled before the contract is agreed.
- The date on which the agreement will become unconditional if there are conditions.
- The settlement date (the date the buyer pays the remainder of the amount for the property, usually the day when the buyer can move into the property).

### Conditions in the document

The buyer will usually want to have some or all of the following conditions fulfilled before the contract is agreed:

- **Title search** – this is done by the buyer's lawyer to check who the legal owner of the property is and to see if anyone else has any claim over the property.
- **Finance** – this refers to the buyer arranging payment, normally a loan, by a specified date.
- **Valuation report** – normally required by a lender, this report is an estimate of the property's worth on the current market.
- **Land Information Memorandum (LIM) report** – provided by the local council, this report provides information on things such as rates, building permits and consents, drainage and planning.
- **Building inspection report** – these help determine how sound the building is and what might need to be repaired.
- **Engineer's report** – similar to the above but more focused on the section and structure of the property.
- **Sale of another home** – the buyer may need to sell their home in order to buy another.

### General or standard clauses

A sale and purchase agreement also includes clauses that set out general obligations and conditions. It helps to understand what these mean as you will need to comply with them. Examples may include:

- **Access rights** – what access the buyer can have to inspect the property before settlement.
- **Default by buyer** – the buyer may have to compensate the seller e.g. interest payments.
- **Default by the seller** – the seller may have to compensate the buyer e.g. accommodation costs.
- **Insurance** – makes sure the property remains insured until the settlement date and outlining what will happen if any damage does occur.

Your lawyer will explain these clauses.

## When does the buyer pay the deposit and the full amount?

When the seller and buyer have agreed on all aspects of the sale and purchase agreement, any deposit is usually paid to the real estate agent by the buyer. This money is initially held in the agent's trust account.

The agent usually takes their commission from the deposit when the contract becomes unconditional. This is agreed between the seller and the agent as set out in the agency agreement<sup>2</sup>. The seller should make sure that the deposit is large enough to cover the agent's commission.

The buyer pays the remainder of the amount for the property on the day of settlement, usually through their lawyer. The settlement day is usually the date when the buyer can move into the property.

Before the sale and purchase agreement becomes unconditional and if the sale doesn't go ahead because some of the conditions haven't been met, the buyer may be entitled to have the deposit refunded in full.

However, once the offer becomes unconditional you won't be able to get your deposit back if you change your mind for any reason.

### What is the difference between a conditional and an unconditional agreement?

- **Conditional** refers to the sale and purchase agreement having a set of conditions that are to be met, such as the buyer's current house being sold, a building inspection being carried out, or finance being secured.
- **Unconditional** refers to when all conditions in the sale and purchase agreement have been met and the transaction is ready to proceed to a change of ownership.

<sup>1</sup> Real estate agent or agent are general terms that refer to an agent, branch manager or salesperson.

<sup>2</sup> Refer to the Real Estate Agents Authority's New Zealand Residential Property Agency Agreement Guide

### Can I cancel the agreement if I change my mind?

You cannot cancel a sale and purchase agreement just because you have had second thoughts about buying or selling the property concerned.

In general, once you have signed a sale and purchase agreement and the conditions set out in it have been met, you will have to go ahead with the sale/purchase of the property.

### What can I expect from an agent?

The agent works for and is paid by the seller. The agent must therefore carry out the seller's instructions (as set out in the agency agreement) and act in the interests of the seller.

Agents also have clear responsibilities to buyers even though they are representing the seller.

**When you are buying a property, ask the agent questions. Be specific about what you want to know.**

All agents are bound by the Code of Professional Conduct and Client Care, issued by the REAA. Under the Code, agents have to deal fairly and honestly with all parties.

A copy of the Code of Professional Conduct and Client Care is available from [www.reaa.govt.nz](http://www.reaa.govt.nz) or by calling **0800 for REAA** (0800 367 7322).

### What if my agent or someone related to them wants to buy the property?

If your agent, or anyone related to them, wants to buy your property, they must get your written consent to do this.

More information on this situation can be found in the Conflict of Interest Information Sheet, available from [www.reaa.govt.nz](http://www.reaa.govt.nz) or by calling **0800 for REAA** (0800 367 7322).

It is important to consult your lawyer throughout the buying and selling process.

### Who pays the agent?

Real estate agents in New Zealand work on behalf of sellers and it is the sellers who pay the agents. An agent who is marketing a property on behalf of a seller cannot ask a buyer to pay for their services.

The agent is acting for the seller and does not have the same duty to a buyer as they do to the seller.

### What is a buyers' agent?

Buyers' agents are common in some other countries. They are agents who are employed by buyers to locate properties and sometimes to negotiate purchases on the buyer's behalf. If you employ a buyers' agent you should still have a written agency agreement and will have to pay for their services.

More information on buyers' agents can be found in the Buyers' Agent Information Sheet, available from [www.reaa.govt.nz](http://www.reaa.govt.nz) or by calling **0800 for REAA** (0800 367 7322).

### What if there's a problem?

If you are concerned about the behaviour of an agent, you should discuss any concerns you have with the agent or their manager. Agents are required to have in-house complaints resolution procedures.

If this does not work or if you do not wish to go through this process, you can contact the REAA.

The REAA has a number of ways it can help with your concerns. This includes sending the agent a compliance advice letter, arranging alternative dispute resolution or processing the matter as a complaint. When you contact the REAA they will help you identify the best way of dealing with your concern.

More information on how the REAA can help you can be found at [www.reaa.govt.nz](http://www.reaa.govt.nz) or by calling **0800 for REAA** (0800 367 7322).

### You can get more information from ...

There are several places you can go for help and advice including:

- The Real Estate Agents Authority (REAA) at [www.reaa.govt.nz](http://www.reaa.govt.nz) or call 0800 for REAA (0800 367 7322). The REAA can provide information and assistance on a wide range of issues and is responsible for dealing with concerns about real estate agents.
- Your lawyer.
- Community Law Centres [www.communitylaw.org.nz](http://www.communitylaw.org.nz)
- Citizens Advice Bureau [www.cab.org.nz](http://www.cab.org.nz)
- Ministry of Consumer Affairs [www.consumeraffairs.govt.nz](http://www.consumeraffairs.govt.nz)
- NZ Law Society Property Section [www.propertylawyers.org.nz](http://www.propertylawyers.org.nz)
- Consumer Build [www.consumerbuild.org.nz](http://www.consumerbuild.org.nz)

### Real Estate Agents Authority

PO Box 25371, Wellington 6146

Phone: 0800 for REAA (0800 367 7322) or (04) 471 8930

Fax: 04 815 8468

Email: [info@reaa.govt.nz](mailto:info@reaa.govt.nz)

Website: [www.reaa.govt.nz](http://www.reaa.govt.nz)