

Land Information Memorandum

Absolutely
POSITIVELY
Me Heke ki Pōneke
WELLINGTON CITY COUNCIL
Wellington

LAND
INFORMATION
MEMORANDUM

FOR

326 EVANS BAY PARADE
HATAITAI

18 September, 2014

Helen Glengarry
25 Ellice Street
Mt Victoria
Wellington 6011

Service Request No: 315358
File Reference: 0600 1206811

Attention: Helen Glengarry

Wellington City Council
Telephone: 801 3802

Land Information Memorandum (LIM)

Please refer to the attached LIM for 326 Evans Bay Parade, as requested by you.

Included in this Memorandum is:

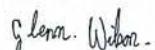
- LIM Quick reference guide
- Special features of the land
- Supporting Information
- Explanatory Notes
- Appendices
- Supporting Attachments

Note: The land which is the subject of this application is part of a subdivision. Hence Council property records consulted may still relate to the previous un-subdivided property and information provided may extend beyond the subject land.

Note: The land which is the subject of this application is part of a cross lease or a unit title subdivision. Hence Council property records consulted relate to the underlying land known as Lot 1 DP 345516

If you have any concerns or questions with respect to any issues arising from this report please feel free to speak to the officers concerned. Names and contact numbers are included under each section.

Yours sincerely



Glenn Wilson
23 September 2014

Glenn Wilson
Building Compliance & Consents

Land Information Memorandum Quick Reference Guide

This is meant as a quick reference guide to certain aspects of your LIM. For more detailed information please refer to the LIM 'Supporting Information' and 'Supporting Attachments' sections.

Address	326 Evans Bay Parade, Unit S 204	Heritage designations (including buildings, sites, trees and objects)	There are no Heritage designations located on this property.
Legal Description	LOT 1 DP 345516 Unit S204 and AU 10 and 1/30 share of AU L DP 416018.	Heritage designations for adjoining properties	In respect of the area situated at 346 Evans Bay Parade and known as – Evans Bay Patent Slip Area, Wharf and Jetty, we advise that the area is included in the District Plan as a Heritage item.
Certificate of Title	480192	Heritage New Zealand	Council has not been given notice that this property is included in the New Zealand Heritage List of Historic Places, Historic Areas, Wāhi Tūpuna, Wāhi Tapu, and Wāhi Tapu areas.
District Plan		Resource Consents	
(a) Activity Area	<p>Suburban Centre</p> <p>This property is subject to District Plan Change 73. (Business 1 Area)</p> <p>This property is located adjacent to Open Space A. Refer to the attached summary.</p> <p>This property is located adjacent to an area zoned as Outer Residential.</p> <p>A summary of the operative District Plan rules are attached.</p> <p>Please contact a Planning Technician on 801 3590 for further information.</p>	<p>(a) Subdivision</p> <p>(b) Land Use</p> <p>(c) Other types of Consents</p> <p>(d) Resource Consents for adjoining properties</p>	<p>There are Subdivision consents for this property.</p> <p>There are Land Use consents for this property.</p> <p>There are no other types of consents for this property.</p> <p>SR 38299, 153285, 160734, 149496, For more information on Resource Consents for adjoining properties please contact a Planning Technician on 801 3590 and quote the 'SR' number.</p>
(b) District Plan Map	Extract Attached	Town Planning and/or Local Government Act 1974	There is no record of consents for this property.
(c) Designations	Evans Bay Parade is rated as a Principal road. Refer to the attached map "33".	Legal	Legal documents are attached.
	This property is located within the area designated G2 – Wellington International Airport Airspace. Refer to the attached map "37".	Rates	<p>There are outstanding rates for this property.</p> <p>The current rates balance for this property is \$5,045.21</p>

Water Rates	This property has water rates associated with it.	Exposure Zone	This property is located within the Wellington City exposure zone.
Building Permits	<p>There is a record of building permits for this property.</p> <p>Please refer to attached copies of computer details for building permits.</p>	Swimming Pools	<p>Refer to LIM "supporting information" for details about exposure zones.</p> <p>There is no record of a swimming pool or spa pool at this property.</p>
Building Consents	<p>There is a record of building consents for this property.</p> <p>There is one outstanding building consent relating to this property.</p> <p>There is a record of a lapsed building consent for this property.</p> <p>Please refer to attached copies of computer details for all building consents.</p>	Weathertightness	<p>Council does not hold record of any Weathertightness issues.</p> <p>Refer to LIM "Supporting Information" for details about Weathertightness.</p>
Complaints	There is no record of unresolved complaints for this property.	Drainage & Potential Flooding Issues	<p>Council does not hold record of any potential flooding issues with this property.</p> <p>Please refer to LIM "supporting information" for details of private and public drainage.</p>
Building Correspondence	There is no record of building correspondence for this property.	Water	<p>Please refer to LIM "supporting information" for details of water supply to this property.</p>
Compliance schedules and building warrants of fitness	We advise that the property has a current building warrant of fitness which expires on 1 December 2014 .	Hazardous Substances	No record can be found relating to any hazardous substances for this property.
Certificates of Acceptance	<p>There is no record of a Certificate of Acceptance relating to building work at this property.</p> <p>Refer to LIM "supporting information" for further details about Certificates of Acceptance.</p>	Encroachment Licence – Road Reserve/Airspace	<p>There are no road reserve and/or airspace encroachment licences for this property.</p> <p>Please refer to LIM "supporting information" for details about road reserve/airspace encroachments.</p>
Earthquake Prone Buildings	Refer to LIM "supporting information" for further details about earthquake prone buildings.	Encroachment Licence – Park Reserve	<p>Please refer to LIM "supporting information" for details about park reserve encroachments.</p>
Wind Zone	The wind zone for this property is " Extra High ".	Land Structure and Access	For any land structure, land access or vehicular access issues, please refer to the LIM "supporting information".
	Refer to LIM "supporting information" for details about wind zones.		

Special features of the land

	Information Included	No Information Found
Erosion <i>(The wearing away of land by running water, rain, wind or other geological agents)</i>		✓
Avulsion <i>(The sudden removal of land by the change in a river's course, or by flooding to another person's land)</i>		✓
Falling debris <i>(The dislodgement of rock or earth from above)</i>		✓
Subsidence <i>(A gradual sinking of land with respect to its previous level)</i>		✓
Slippage <i>(The downhill movement of land)</i>		✓
Alluvion <i>(The deposit of earth, sand, etc, left during a flood)</i>		✓
Inundation <i>(History of being prone to flooding or overflowing)</i>		✓

Supporting Information

District Plan

The Proposed District Plan was notified on 27 July 1994. The District Plan became operative on 27 July 2000.

The District Plan should be consulted to determine the classification of any existing or proposed activity on the subject property. Resource consents may be necessary for activities that are not permitted activities. The District Plan can be viewed at the Building Compliance & Consents reception, Level 1, 101 Wakefield Street, Wellington, at Wellington City Libraries, or visit the Wellington City Council website (see link below).

District Plan Changes

From time to time the Council makes amendments to the contents of the District Plan by publicly notifying District Plan changes. These changes come into effect on the date they are publicly notified. When they are first released the changes are referred to as 'proposed Plan Changes'. Once the plan change process is completed they become 'operative plan changes'.

The District Plan papers attached to this LIM contain the details of all operative District Plan changes, but not details of proposed plan changes that are still under consideration. For details of any proposed plan changes that may affect this property, please visit the Wellington City Council website (see link below):

<http://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/plan-changes-and-variations>

For more details regarding any proposed District Plan changes, Special Rules, further explanation, or queries please call the Planning Customer Service Team. Telephone: 801-3590.

Heritage buildings including sites, trees and objects

Further information may be obtained from Trevor Keppel, Senior Heritage Advisor, Urban Design and Heritage. Telephone: 803 8651.

Resource Consents

Subdivision

3 May 2004 – SR 113190

Resource Consent was granted pursuant to the provisions of the Resource Management Act 1991, subject to conditions, for a three lot fee simple subdivision. This subdivision was completed in 2005.

No documents relating to this consent have been attached. They can be requested if required.

23 March 2009 – SR 189577

Resource Consent was granted pursuant to the provisions of the Resource Management Act 1991, subject to conditions, for a 44 Unit, unit title subdivision and cancellation of an existing easement. This subdivision was completed in 2009. Refer to the attached documents (including Consent Notice) for further details.

An objection (SR 194391) to condition (d) of this Resource Consent, relating to water easements, was upheld dated 24 April 2009.

No documents relating to this objection have been attached. They can be requested if required.

Land Use

11 October 2006 – SR 149695

Resource Consent was granted pursuant to the provisions of the Resource Management Act 1991, subject to conditions, for a multi-unit development and café. A change of conditions (SR 162579) was granted dated 20 June 2007. This Resource Consent was superseded by SR 166987.

No documents relating to SR 149695 and SR 162579 have been attached. They can be requested if required.

6 November 2006 – SR 153946

Resource Consent was granted pursuant to the provisions of the Resource Management Act 1991, subject to conditions, for the erection of a temporary sign.

No documents relating to this consent have been attached. They can be requested if required.

14 September 2007 – SR 166987

Resource Consent was granted pursuant to the provisions of the Resource Management Act 1991, subject to conditions, for a multi – unit residential development and café/retail space. Refer to the attached documents for further details.

26 January 2009 – SR 188616 (relating to SR 166987)

A change of condition (a) was granted pursuant to the provisions of the Resource Management Act 1991 relating to SR 166987 dated 26 January 2009. Refer to the attached documents for further details.

Note: If a consent has not been given effect to, then it may have lapsed depending on the legislation under which it was authorised.

Any queries relating to Resource Consents should be made to the Planning Customer Service Team. Telephone: 801-3590.

Legal

Easement Instrument (Surrender of Easement) dated 2009.

Rates

Refer to attached computer printout for rates and water rates.

For valuation information please contact Quotable Valuation.

Any queries relating to rates should be made to Rates. Telephone: 499-4444.

Building, Plumbing and Private Drainage

Permits

Building, plumbing and drainage permits issued under the bylaws made pursuant to the Local Government Act 1974 have now expired. The bylaws relating to building permits were superseded by the Building Act 1991 and subsequently by the Building Act 2004.

Thus unauthorised or incomplete building, plumbing and drainage permitted work done prior to the implementation of the Building Act 1991 in January 1993, now has the status of "an existing situation". Unless the building is either dangerous or insanitary, as defined under Sections 121 and 123 of the Building Act 2004 (refer to the Appendix II section of this document), Council is precluded from taking any further action to require the owner to complete the work in accordance with the original building permit.

Building Consents

"Building consents" have replaced "building permits" as a result of the implementation of the Building Act 1991, and subsequently the Building Act 2004.

Under Schedule 1 of both Acts, some types of building work are exempt from the need to obtain a building consent. If building work that needs consent was carried out after January 1993 without consent first being obtained that work is not authorised and the Council may require the property owner to:

- (i) Demolition or removal of the work
- (ii) Upgrade to building code requirements.
(Consent may be required, please contact BCC on 801-4311)
- (iii) Apply for Certificate of Acceptance
(Refer to Certificate of Acceptance section below)

The Council may prosecute persons who contravene or fail to comply with the Act or with a notice issued under the Act, for example a notice to rectify issued under the Building Act 1991 or a notice to fix issued under the Building Act 2004.

Under Section 52 of the Building Act 2004, a building consent lapses and is of no effect if the building work has not been commenced within 12 calendar months of the date of issue or any further period that the building consent authority may allow.

An owner must apply on the prescribed form for a Code Compliance Certificate when all building work covered by the building consent is complete. A Code Compliance Certificate will be issued once the Council is satisfied that the building work has been completed in accordance with the building consent and complies with the Building Code.

It is not practical to copy the information relating to permits and/or completed consents held at Wellington City Archives. If you wish to sight this information please contact the Archives on (04) 801 2096.

The following consents are outstanding, meaning they have no Code Compliance Certificate:

- (i) SR 199825, erection of two roof top privacy screens, Status is Unable to issue CCC.

Please refer to "Building Consent Fees" Section.

Notes:

- (i) Computer Status Definitions

"Completed" means a Code Compliance Certificate has been issued.

"Lapsed" means the Council has not been notified that work has started and is unable to ascertain that work has started. The consent has now been lapsed under the legislation it was issued.

"Unable to issue CCC" means a CCC cannot be issued until outstanding issues are resolved.

Building Consent Fees: Building Consent fees paid at the time of application include a portion for inspections. Depending on when the application was lodged, the inspection fee would have been based either on the value of the project or on an assessment of the number of inspections required.

If the inspection fee paid is not enough to cover the inspections actually carried out, additional inspection fees will be charged at the rate applicable at the time of the inspection.

Additional inspection fees and any other outstanding building consent fees must be paid prior to the Code Compliance Certificate being issued.

Where a Building Consent was issued more than 5 years ago and does not have a Code Compliance Certificate (CCC) the Building Consent will be subject to the Old Consent Process to determine if a CCC can be granted.

Old Consent Process booklet:

<http://wellington.govt.nz/~media/services/consents-and-licenses/building-consents/files/buildingconsent-fiveyears.pdf>

CCC Application: <http://wellington.govt.nz/services/consents-and-licences/building-consents/code-compliance-certificate>

Compliance schedules and building warrants of fitness (other than single residential dwellings unless the property is serviced by a cable car)

Section 100 of the Building Act 2004 requires all buildings containing any specified systems listed in the Regulations 2005/32 to have a **compliance schedule** and for the owner to display a **Compliance Schedule Statement for the initial year**, and thereafter, annually, issued and display a warrant of fitness relating to those systems in that building as specified in the compliance schedule.

Refer to Appendix III - **Sections 100 & 108 of the Building Act 2004**.

Buildings for public use; The Building Amendment Act 2005 provides in sections 362A to 363C that it is an offence to use, or permit the use of, any part of a building affected by building work, for which a building consent has been granted since 31 March 2005, but no code compliance certificate, or certificate for public use has been issued. For building consents issued before 31 March 2005 the offence provisions will apply if a Code Compliance Certificate or Certificate for Public Use has not been issued by 31 March 2010. It should be noted that where a building consent includes work in the common spaces, particularly egress routes, the whole building may be affected, not just a tenancy where the bulk of the work is to take place. The interpretation of public use is broad and includes all buildings that are intended to be open to, or are used by members of the public.

After 31 March 2005 Building Consents issued under the 1991 Building Act will be deemed to be issued under the 2004 Act.

Any queries relating to Building Consents for this property should be made to Building Compliance & Consents. Telephone: 801-4311.

Certificate of Acceptance

Section 96 of the Building Act 2004 provides for a Territorial Authority (i.e. a council) to issue a Certificate of Acceptance in certain circumstances. When issued a Certificate of Acceptance is limited to the extent to which the Territorial Authority was able to inspect the building work in question.

Application for a Certificate of Acceptance may be made in the following circumstances:

- (i) Work was carried out without a building consent, where a building consent was required but not obtained.
- (ii) Work was carried out under urgency.

- (iii) A private building certifier refuses or is unable to issue a Code Compliance Certificate and another building consent authority is unable or refuses to issue a Code Compliance Certificate.

Any queries relating to Certificates of Acceptances should be made to Building Compliance & Consents. Telephone: 801-4311.

Earthquake Prone Buildings

The Building Act 2004 requires that the Wellington City Council maintains an Earthquake-prone Building Policy. Under the current policy any pre-1976 commercial building or any pre-1976 residential building which is two or more stories high and contains three or more residential units will be assessed to determine whether it is Earthquake-prone.

If there are changes to legislation, the loading standard or if the Council receives further information, a building may require an assessment or reassessment to consider whether it is earthquake prone. The Council's current EQP policy can be viewed on the Web:

<http://wellington.govt.nz/your-council/plans-policies-and-bylaws/policies/earthquake-prone-buildings-policy>

It should also be noted that where a change of use is proposed for the building, structural strengthening work is required to most buildings to upgrade the building to meet current codes.

Please refer to Appendix II. Sec. 122 defines the meaning of an earthquake-prone building.

Any queries relating to earthquake prone buildings should be made to Jacqueline Vaughan-Sanders, Seismic and Weathertight. Telephone: 499-4444.

Wind Zones for Wellington City

The Wind Zone in terms of NZS3604:2011 for the subject property was determined to be "EH" by the CLC Consulting Group Limited, Auckland.

Notes:

- (i) "M" means Medium Wind area
"H" means High Wind area
"VH" means Very High Wind area
"EH" means Extra High Wind area

"SED" is the area defined as requiring specific engineering design and is outside the scope of NZS 3604:2011
"UNKNOWN"

- (ii) Determination of the correct wind zone can only be achieved by accurate knowledge of ground topography, ground roughness, site exposure and "expected conditions five years hence".
- (iii) While the wind zone determinations have been made by CLC Consulting Group Limited, Auckland they note that a final interpretation of the wind zone remains the prerogative of Council.

Exposure Zone

Sites are classified as being in an exposure zone. These zones are defined in (NZ3604: 2011) the NZ Standard for light framed buildings.

For Wellington City, most sites are either in exposure zone D, which includes the area within 500 metres of the sea, or exposure zone C in terms of NZS3604: 2011.

Swimming Pools

The Fencing of Swimming Pools Act 1987 requires the property owner to ensure that any swimming pool or spa pool is enclosed by a fence of at least 1.2 metres high that would prevent access to any child of less than six (6) years of age. Definitions of what constitutes a pool and details of the safety requirements are set out in this Act.

A building consent is required for the installation of a pool fence and may be required for the installation of any pool itself.

The Council has a programme to audit the on-going compliance of pool fences and so pools will be subject to periodic inspections to confirm compliance. Property owners will be charged for time spent by Council officers in audits.

Any queries relating to swimming pools should be made to Building Compliance & Consents. Telephone: 801-4311.

Weathertightness

This section of the LIM will be completed only where Council has received **formal** notification of possible water ingress issues at the property from one of the following sources:

- Ministry of Building Innovation and Employment (MBIE)
- Weathertight Homes Tribunal
- High or District Court
- Written notification from the owner of the property or their agent
- Where the owner has applied to MBIE for a Determination and the report carried out by MBIE has identified areas of water ingress

Where Council may have received **informal** advice of possible issues with the dwelling, i.e. via phone call, and the Council is unable to substantiate or corroborate the extent of the issue, these notifications will be held under the "Complaint" or "Building Correspondence" section of this LIM.

If you have any concerns we recommend that you seek independent advice from a suitably qualified person such as a building surveyor, and/or speak to the owners of the property.

Drainage

Refer to the attached Private Drainage Plan.

Refer to the attached copy of the City Mapping plan.

On 9 May 2013 a fault of water seeping behind this property was reported to the Council. Council investigated and determined this was ground water from a natural source and was a private fault. As at 8 August 2013 Council was satisfied this was no longer an issue.

Notes:

Details of levels relating to public drains can be obtained from the Public Drainage Team, Infrastructure.

Approval to build any structure over public drains is subject to the standard conditions that are applicable.

Any queries relating to drainage matters should be made to Samir Hermiz, Public Drainage Team. Telephone: 803-8746.

Water

Water supply is available to the property.

Refer to the attached Water Services Plan.

Approval to build any structure over a water main would be subject to the standard conditions that are applicable.

Any queries relating to water reticulation matters should be made to Samir Hermiz, Public Drainage Team. Telephone: 803-8746.

Encroachment Licence: Road Reserve Land and/or Airspace

Property owners are legally required under the Bylaw 2008: Part 5 – Public Places, to have an encroachment licence or lease for any private structure or exclusive use of road reserve. If an encroachment use exists, or is discovered, the owner(s) must submit an encroachment licence application to the Council. The Council (as landowner of legal roads) has the discretion to approve or decline an encroachment licence or lease in accordance with the Road Encroachment and Sale Policy.

Policy document link:

<http://wellington.govt.nz/services/consents-and-licences/encroachments/road-encroachment-policy>

Application link:

<http://wellington.govt.nz/services/consents-and-licences/encroachments/apply-for-an-encroachment-liscence>

Any queries relating to Encroachments should be made to Shane Crowe, Encroachment Advisor, Encroachments. Telephone: 801 3428.

Encroachments: Parks and Reserve Land

Encroachments are not permitted on land that is subject to the Reserves Act 1977 or the Town Belt Deed. This includes most of Council's parks and reserves. Encroachments include any structure, building, furniture, vehicle or pedestrian access, lawn, garden or any area of the reserve being used for private purposes (exclusive or otherwise).

If an encroachment exists the owner is required (wherever possible) to remove the encroachment immediately or alternatively, to contact Council to set a timeframe for removal.

Immediate removal will not be required for dwellings that have historically encroached on an adjacent reserve. In these instances removal will be required at the time of any future demolition or major reconstruction project.

Any queries relating to Park Reserve Encroachments should be made to Parks, Sport & Recreation. Telephone: 499 4444.

Land Structure/Access

The maintenance of the Right-of-Way is the responsibility of the owners.

The maintenance of the Common Property is the responsibility of the owners.

This property contains an area of 'Cut'. As a result any development of this site is likely to require additional investigation and construction measures.

The owner is responsible for maintaining the vehicle accessway out to and including the kerb crossing.

A search of our records shows there are no other requirements.

On 28 June 2010 a slip from a bank onto the property was reported to Council. Council advised this was a private matter.

Refer to the attached Geotechnical Report dated 2 August 2006.

Refer to the attached Vehicle Access Authorisation dated May 2007.

Refer to the attached Wellington City Council Bylaw Consent for Earthworks dated 25 May 2007.

Any queries relating to land structure/access should be made to a Vehicle Access/Earthworks Engineer, Subdivision Compliance. Telephone: 499-4444.

Trade Waste

Trade waste means any liquid non-domestic waste, excess oil or grease, or large quantities of domestic-type waste produced by a business or trade that is or may be discharged to a sewer.

Any premises discharging or proposing to discharge trade waste to the sewer must apply for a Trade Waste Discharge Consent pursuant to the Wellington City Council Trade Waste Bylaw. Dependent on the nature and quantity of the trade waste the discharge may be made the subject of a Trade Waste Consent. In addition, the trade waste may require pre-treatment before discharge to the sewer. This includes the use of a grease trap.

In respect of this LIM report:

There is a Trade Waste Consent for Big Dipper grease remover associated with this address for Greta Point Café.

Any queries relating to Trade Waste should be made to Leon Chen or Kareema Yousif, Public Health Group. Telephone: 803-8055 or 803 8056.

Backflow Prevention

There is a record of a backflow preventer in this building.

This building has not yet been surveyed for any potential cross-connections between contaminated water and the potable water supply.

Any queries relating to Backflow Prevention should be made to Michael Arthurs, Building Compliance & Consents. Telephone: 803 8792

Health

There is one food premises associated with this property:

Greta Point Cafe – there are no outstanding requisitions at 11/09/13

The premises mentioned above have a Health Certificate for their approved use only. The Certificate expires on 30 June 2015.

There are no outstanding complaints.

Restrictions on any change of use may apply. For more details please contact Andrew Taylor, Environmental Health Officer, Public Health Group. Telephone: 8038063.

Liquor/Pavement Permission

There is no liquor licence nor pavement permission in force on this site.

Any queries relating to Liquor or Pavement Permission should be made to Joanne Burt, Environmental Technical Officer, Public Health Group. Telephone: 801 3528.

Explanatory Notes

- (a) If a property is cross-leased any building alterations undertaken may affect the lease documents. If this is the case, appropriate resource consents pursuant to the Resource Management Act 1991, and amended Certificates of Title, should be obtained to reflect the correct situation.
- (b) A Land Information Memorandum is provided pursuant to section 44A of the Local Government Official Information and Meetings Act 1987 (Refer to Appendix I).
- (c) The address provided with this Land Information Memorandum is Council's address relating to the Certificate of Title supplied. Council does not use addresses consisting of a range e.g. 11-14.
- (d) The information contained in this Land Information Memorandum has been compiled from a variety of records. The applicant should be aware that some of this information is based on records supplied by developers and tradespeople where the accuracy cannot be guaranteed.
- (e) The reproduction of plan copies is dependent on the quality of the originals, hence some reproductions may be of poor quality. If clarification is required the original should be sighted.
- (f) Property boundaries shown on attached copies of computer generated plans are based on the Digital Cadastral Data Base (DCDB). Topographical information shown (for example, buildings etc.) is captured by photogrammetric methods. The accuracy of the two methods of data capture is different and the relationship of buildings to boundaries cannot be relied on.
- (g) Copies of plans included in this Land Information Memorandum should not be used as the basis for any proposed development.
- (h) Council does not hold official property boundary information. Relevant certificates of title should be obtained from the Land Titles Office (Land Information New Zealand) and relevant boundary dimension information should be obtained from Land Information New Zealand, Wellington, Telephone: 0800 665 463.
- (i) Depending on the history of the subject property (for example, subdivision etc), some information contained on computer printouts may not actually relate to the subject property. The information is also dependent on the accuracy of the original data capture.
- (j) Other authorities may hold information relevant to the property.
- (k) For information concerning flooding and erosion of streams through or adjacent to the subject property you should contact the Rivers Department of Greater Wellington Regional Council.

Appendix I

Section 44A. Local Government Official Information and Meeting Act 1987

Land information memorandum—

- (1) A person may apply to a territorial authority for the issue, within 10 working days, of a land information memorandum in relation to matters affecting any land in the district of the authority.
- (2) The matters which shall be included in that memorandum are—
 - (a) Information identifying each (if any) special feature or characteristic of the land concerned, including but not limited to potential erosion, avulsion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants, being a feature or characteristic that—
 - (i) Is known to the territorial authority; but
 - (ii) Is not apparent from the district scheme under the Town and Country Planning Act 1977 or a district plan under the Resource Management Act 1991;
 - (b) Information on private and public stormwater and sewerage drains as shown in the territorial authority's records;
 - (ba) any information that has been notified to the territorial authority by a drinking-water supplier under [section 69ZH](#) of the Health Act 1956: information on—
 - (i) whether the land is supplied with drinking water and if so, whether the supplier is the owner of the land or a networked supplier;
 - (ii) if the land is supplied with drinking water by a networked supplier, any conditions that are applicable to that supply;
 - (iii) if the land is supplied with water by the owner of the land, any information the territorial authority has about the supply;
 - (bb) Information relating to any rates owing in relation to the land: Information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by the territorial authority (whether under the Building Act 1991, the [Building Act 2004](#), or any other Act);
 - (c) Information concerning any certificate issued by a building certifier pursuant to the Building Act 1991 or the [Building Act 2004](#):
 - (d) information notified to the territorial authority under [section 124](#) of the Weathertight Homes Resolution Services Act 2006;
 - (e) Information relating to the use to which that land may be put and conditions attached to that use;
 - (f) Information which, in terms of any other Act, has been notified to the territorial authority by any statutory organisation having the power to classify land or buildings for any purpose;
 - (g) Any information which has been notified to the territorial authority by any network utility operator pursuant to the Building Act 1991 or the [Building Act 2004](#).
- (3) In addition to the information provided for under subsection (2) of this section, a territorial authority may provide in the memorandum such other information concerning the land as the authority considers, at its discretion, to be relevant.

- (4) An application for a land information memorandum shall be in writing and shall be accompanied by any charge fixed by the territorial authority in relation thereto.
- (5) In the absence of proof to the contrary, a land information memorandum shall be sufficient evidence of the correctness, as at the date of its issue, of any information included in it pursuant to subsection (2) of this section.
- (6) Notwithstanding anything to the contrary in this Act, there shall be no grounds for the territorial authority to withhold information specified in terms of subsection (2) of this section or to refuse to provide a land information memorandum where this has been requested.]

History

Section 44A and heading were inserted, as from 1 December 1992, by s 2 Local Government Official Information and Meetings Amendment Act (No 2) 1991 (1991 No 151).
 Section 44A(2)(ba): inserted, on 1 July 2008, by [section 18](#) of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).
 Section 44A(2)(bb): inserted, on 1 July 2008, by [section 18](#) of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).
 Section 44A(2)(d): amended, on 31 March 2005, by [section 414](#) of the Building Act 2004 (2004 No 72).
 Section 44A(2)(e): amended, on 31 March 2005, by [section 414](#) of the Building Act 2004 (2004 No 72).
 Section 44A(2)(ea): inserted, on 1 April 2007, by [section 127\(5\)](#) of the Weathertight Homes Resolution Services Act 2006 (2006 No 84).
 Section 44A(2)(h): amended, on 31 March 2005, by [section 414](#) of the Building Act 2004 (2004 No 72).

Appendix II

Sections 121, 122 & 123 The Building Act 2004.

Buildings which are deemed to be dangerous, earthquake prone and insanitary—

121 Meaning of dangerous building

- (1) A building is **dangerous** for the purposes of this Act if, -
 - (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause-
 - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
 - (ii) in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.
 - (2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority -
 - (a) may seek advice from members of the New Zealand fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and
 - (b) if the advice is sought must have due regard to the advice.
- Compare: 1991 No 150 s 64(1) (2), (30)

122 Meaning of earthquake-prone building

- (1) A building is **earthquake prone** for the purposes of this Act if, having regard to its conditions and to the ground on which it is built, and because of its construction, the building-
 - (a) will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and
 - (b) would be likely to collapse causing-
 - (i) injury or death to persons in the building or to persons on any other property; or
 - (ii) damage to any other property.
- (2) Subsection (1) does not apply to a building that is used wholly or mainly for residential purposes unless the building -
 - (a) comprises 2 or more storeys; and
 - (b) contains 3 or more household units.

Compare: 1991 No 150 s 66

123 Meaning of insanitary building

- A building is insanitary for the purposes of this Act if the building -**
- (a) is offensive or likely to be injurious to health because-
 - (i) of how it is situated or constructed; or
 - (ii) it is in a state of disrepair; or
 - (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
 - (c) does not have a supply of potable water that is adequate for its intended use; or
 - (d) does not have sanitary facilities that are adequate for its intended use.

Compare: 1991 No 150 s 64(4)

Appendix III

Compliance schedules

Sections 100, 101, 103, 105, 108, 110. The Building Act 2004 as amended by The Building Amendment Act 2005

"100 Requirement for compliance schedule

- "(1) A building not used wholly as a single household unit -
 - "(a) requires a compliance schedule if -
 - (i) it has a specified system; or
 - (ii) it has a cable car attached to it or servicing it; and
 - "(b) requires the schedule for all specified systems it has and any cable car it has attached to it or servicing it.
- "(2) A building used wholly as a single household unit -
 - "(a) requires a compliance schedule only if it has a cable car attached to it or servicing it; and
 - "(b) requires the schedule only for the cable car.
- "(3) Before 31 March 2008,-
 - "(a) a building not used wholly as a single household unit -
 - (i) requires a compliance schedule only if it has a specified system other than a cable car; and
 - (ii) does not require a compliance schedule for any cable car attached to it or servicing it; and
 - "(b) a building used wholly as a single household unit does not require a compliance schedule."

"101 Owner must comply with requirement for compliance schedule

- (1) An owner of a building for which a compliance schedule is required under section 100 must obtain the compliance schedule.
- (2) A person commits an offence if the person fails to comply with subsection (1).
- (3) A person who commits an offence under this section is liable to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence has continued.

"103 Content of compliance schedule

- (1) A compliance schedule must state—
 - (a) the specified systems that are covered by the compliance schedule; and
 - (b) the performance standards for the specified systems; and
 - (c) the inspection, maintenance, and reporting procedures to be followed by licensed building practitioners in respect of the specified systems to ensure that those systems are capable of, and are, performing to the performance standards; and
 - (d) if applicable, the specified systems that relate to—
 - (i) means of escape from fire; and
 - (ii) safety barriers; and
 - (iii) means of access, and facilities for use, by persons with disabilities that meet the requirements of section 118; and
 - (iv) handheld hose reels for fire-fighting; and
 - (v) any signs that are required by the building code or by section 120.
- (2) For the purposes of subsection (1)(c), the inspection, maintenance, and reporting procedures of the compliance schedule may be identified—
 - (a) by description in the compliance schedule; or
 - (b) by reference to—
 - (i) a prescribed acceptable solution or prescribed verification method in a regulation referred to in section 20; or

- (ii) a compliance document; or
- (iii) a building method or product.

"105 Obligations of owner if compliance schedule is issued

An owner of a building for which a compliance schedule has been issued must ensure—

- (a) that each of the specified systems stated in the compliance schedule is performing, and will continue to perform, to the performance standards for that system; and
- (b) that the owner provides to the territorial authority an annual building warrant of fitness in accordance with section 108; and
- (c) that the compliance schedule is kept—
 - (i) in the building; or
 - (ii) in another building in the district of the territorial authority; or
 - (iii) in some other place agreed on by the owner and the territorial authority; and
- (d) that the compliance schedule is available for inspection by any person or organisation who or that has a right to inspect the building under any Act; and
- (e) that, for the first 12 months of the period of the compliance schedule, there is displayed publicly in a place in the building so that users of the building can have access to it a statement by the territorial authority in the prescribed form stating—
 - (i) the specified systems covered by the compliance schedule; and
 - (ii) the place where the compliance schedule is held.

"108 Annual building warrant of fitness

- (1) An owner of a building for which a compliance schedule has been issued must supply to the territorial authority a building warrant of fitness in accordance with subsection (3).
- (2) The purpose of a building warrant of fitness is to ensure that the specified systems stated in the compliance schedule are performing, and will continue to perform, to the performance standards for those systems that are set out in the relevant building consent.
- (3) The building warrant of fitness must—
 - (a) be supplied on each anniversary of the issue of the compliance schedule; and
 - (b) state that the inspection, maintenance, and reporting procedures of the compliance schedule have been fully complied with during the previous 12 months; and
 - (c) have attached to it all certificates, in the prescribed form, issued by a licensed building practitioner that, when those certificates are considered together, certify that the inspection, maintenance, and reporting procedures stated in the compliance schedule have been fully complied with during the previous 12 months; and
 - (d) have attached to it any recommendation made by a licensed building practitioner that the compliance schedule should be amended to ensure that the specified systems stated in the compliance schedule are performing, and will continue to perform, to the performance standards for those systems; and
 - (e) be in the prescribed form; and
 - (f) contain the prescribed information.
- (4) The owner must publicly display a copy of the building warrant of fitness in a place in the building to which users of the building have ready access.
- (5) A person commits an offence if the person—
 - (a) fails to display a building warrant of fitness that is required to be displayed under this section; or
 - (b) displays a false or misleading building warrant of fitness; or
 - (c) displays a building warrant of fitness otherwise than in accordance with this section.

- (6) A person who commits an offence under this section is liable to a fine not exceeding \$20,000.
- (7) In subsection (3)(d), a reference to a licensed building practitioner is a reference to the licensed building practitioner or licensed building practitioners who carried out the inspection, maintenance, and reporting procedures stated in a compliance schedule during the previous 12 months.

"110 Owner must obtain reports on compliance schedule

An owner of a building for which a compliance schedule has been issued must—

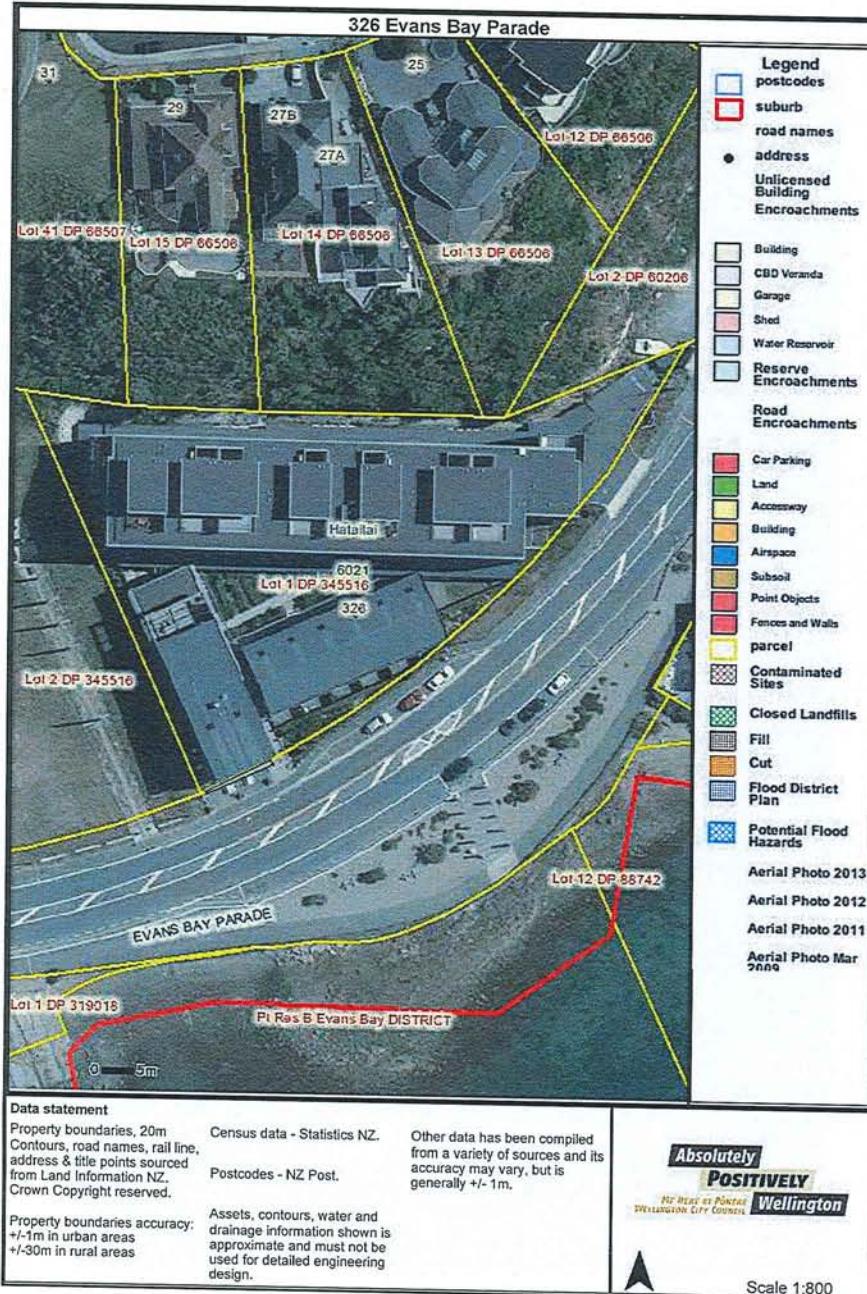
- (a) obtain annual written reports relating to the inspection, maintenance, and reporting procedures of the compliance schedule signed by each licensed building practitioner who carried out 1 or more of those procedures; and
- (b) keep those reports, together with the compliance schedule, for a period of 2 years; and
- (c) produce those reports for inspection, when required, by—
 - (i) the territorial authority; and
 - (ii) any person or organisation who or that has the right to inspect the building under any Act; and
- (d) show the location of those reports and the compliance schedule on the building warrant of fitness displayed in accordance with section 108(4).

Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 – Schedule 1 as amended by Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Amendment Regulations 2005

"Schedule 1 Specified systems

- 1 Automatic systems for fire suppression (for example, sprinkler systems).
- 2 Automatic or manual emergency warning systems for fire or other dangers (other than a warning system for fire that is entirely within a household unit and serves only that unit).
- 3 Electromagnetic or automatic doors or windows (for example, ones that close on fire alarm activation).
- 4 Emergency lighting systems.
- 5 Escape route pressurisation systems.
- 6 Riser mains for use by fire services.
- 7 Automatic back-flow preventers connected to a potable water supply.
- 8 Lifts, escalators, travelators or other systems for moving people or goods within buildings.
- 9 Mechanical ventilation or air conditioning systems.
- 10 Building maintenance units providing access to exterior and interior walls of buildings
- 11 Laboratory fume cupboards.
- 12 Audio loops or other assistive listening systems.
- 13 Smoke control systems.
- 14 Emergency power systems for, or signs relating to, a system or feature specified in any of clauses 1 to 13.
- 15 Any or all of the following systems and features, so long as they form part of a building's means of escape from fire, and so long as those means also contain any or all of the systems or features specified in clauses 1 to 6, 9, and 13:
 - (a) systems for communicating spoken information intended to facilitate evacuation; and
 - (b) final exits (as defined by clause A2 of the building code); and
 - (c) fire separations (as so defined); and
 - (d) signs for communicating information intended to facilitate evacuation; and
 - (e) smoke separations (as so defined)"

AERIAL PHOTO



PROPERTY SUMMARY

CityVIEW

+ Property Summary

The information below has been obtained from selected computer records held by Wellington City Council, as supplied by third parties, in relation to the address provided by you and in relation to the matters requested by you. The accuracy of the information cannot be guaranteed.

[Print](#)

Wufi	Property Type	Property Status	Address	Area (m ²)	Lands Link Number
1847114	Valuation	Current	326 Evans Bay Parade Hataitai 6021	3401	650957
Legal Description	LOT 1 DP 345516				
Valuation Ref	17070 - 95200 -				
Apportionment	Separate Valns follow	Property Associations	File Type	null	

- Valuation Usage

Date Rating Effective	1/07/2010	Date of Valuation	1/09/2009
Received Date	23/12/2009		
Land Use Zone	8B - Suburban Centre		
Garage and Parking	75		
Land Usage	92 - Multi-unit		
Building Construction	XX - Mixture/Other External Walls, Mixture/Other Roof		
Building Condition	GG - Good External Walls, Good Roof		
Building Age	2000-09		
Building Floor Area (m ²)	5126		
Building Site Area (m ²)	4220		
Units of Use	44		

- Property Addresses

Full Address	Source	WCC Assigned	WCC Accepted
326 Evans Bay Parade	WCC	No	Yes

CityVIEW

+ Property Summary

The information below has been obtained from selected computer records held by Wellington City Council, as supplied by third parties, in relation to the address provided by you and in relation to the matters requested by you. The accuracy of the information cannot be guaranteed.

[Print](#)

Wufi	Property Type	Property Status	Address	Area (m ²)	Lands Link Number
1847132	Valuation	Current	Unit S204 326 Evans Bay Parade Hataitai 6021	0	651136
Legal Description	UNIT S204 DP 416018 AU10 1/30 SH AUL				
Valuation Ref	17070 - 95200 - DD				
Apportionment	Separate Valuation	Property Associations	File Type	null	

- Valuation Usage

Date Rating Effective	1/07/2010	Date of Valuation	1/09/2009
Received Date	23/12/2009		
Land Use Zone	8B - Suburban Centre		
Garage and Parking	1		
Land Usage	91 - Single Unit excluding bach		
Building Construction	XX - Mixture/Other External Walls, Mixture/Other Roof		
Building Condition	GG - Good External Walls, Good Roof		
Building Age	2000-09		
Building Floor Area (m ²)	130		
Building Site Area (m ²)	130		
Units of Use	1		

- Property Addresses

Full Address	Source	WCC Assigned	WCC Accepted
Unit S204 326 Evans Bay Parade	WCC	No	Yes
326 Evans Bay Parade	External	No	No



**COMPUTER UNIT TITLE REGISTER
UNDER LAND TRANSFER ACT 1952**

Guaranteed Search Copy issued under Section 172A
of the Land Transfer Act 1952



R.W. Muir
Registrar-General
of Land

Identifier **480192**
Land Registration District **Wellington**
Date Issued **13 October 2009**

Prior References
186566

Supplementary Record Sheet
501123

Estate **Stratum in Freehold**

Legal Description **Unit S204 and Accessory Unit 10 and 1/30
share of Accessory Unit L Deposited Plan
416018**

Proprietors
Delta Developments Limited

The above estates are subject to the reservations, restrictions, encumbrances, liens and interests noted below and on
the relevant unit plan and supplementary record sheet

7184375.2 Mortgage to Westpac New Zealand Limited - 8.1.2007 at 9:00 am

7763519.1 Mortgage to (now) Centre North Land Limited - 19.5.2008 at 10:46 am

7836347.1 Variation of Mortgage 7184375.2 - 4.6.2008 at 9:00 am

8247113.1 Variation of Mortgage 7763519.1 - 13.10.2009 at 12:25 pm

8247113.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 13.10.2009 at 12:25 pm
8247113.1 Lease Term 15 years, 11 months and 12 days commencing on 19th October 2009 and terminating on
30th September 2025 (Right of Renewal) CT 496863 issued. - 13.10.2009 at 12:25 pm

8311083.3 Mortgage to Westpac New Zealand Limited - 23.12.2009 at 2:28 pm

Identifier

480192



**SUPPLEMENTARY RECORD SHEET
UNDER UNIT TITLES ACT 1972**

Guaranteed Search Copy issued under Section 172A
of the Land Transfer Act 1952

Identifier **501123**
Land Registration District **Wellington**
Date Issued **13 October 2009**
Plan Number **DP 416018**

Subdivision of
Lot 1 DP 345516

Prior References
186566

Unit Titles Issued

480189	480190	480191	480192
480193	480194	480195	480196
480197	480198	480199	480200
480201	480202	480203	480204
480205	480206	480207	480209
480210	480211	480212	480213
480214	480217	480218	480219
480220	480221	480222	480223
480224	480225	480226	480227
480228	480229	480230	480231
496860	496861	496862	496863
496864	496865	496867	496868
496870	496871	496872	496877
496878	496880	496885	496890
496894	496898	496899	496900
496901	496902	522381	522382
522385	640020	640021	

Interests

OWNERSHIP OF COMMON PROPERTY

Pursuant to Section 47 Unit Titles Act 2010 -

(a) the body corporate owns the common property and

(b) the owners of all the units are beneficially entitled to the common property as tenants in common in shares
proportional to the ownership interest (or proposed ownership interest) in respect of their respective units.

The above memorial has been added to Supplementary Record Sheets issued under the Unit Titles Act 1972 to give effect
to Section 47 of the Unit Titles Act 2010.

38914 (66/49) Subject to various covenants and conditions (see Deeds Record 66/49, Deed 38914 and Section 61 Reserves
and other Lands Disposed and Public Bodies Empowering Act 1917)

Subject to provisions of the Wellington Harbour Board Empowering Act 1908

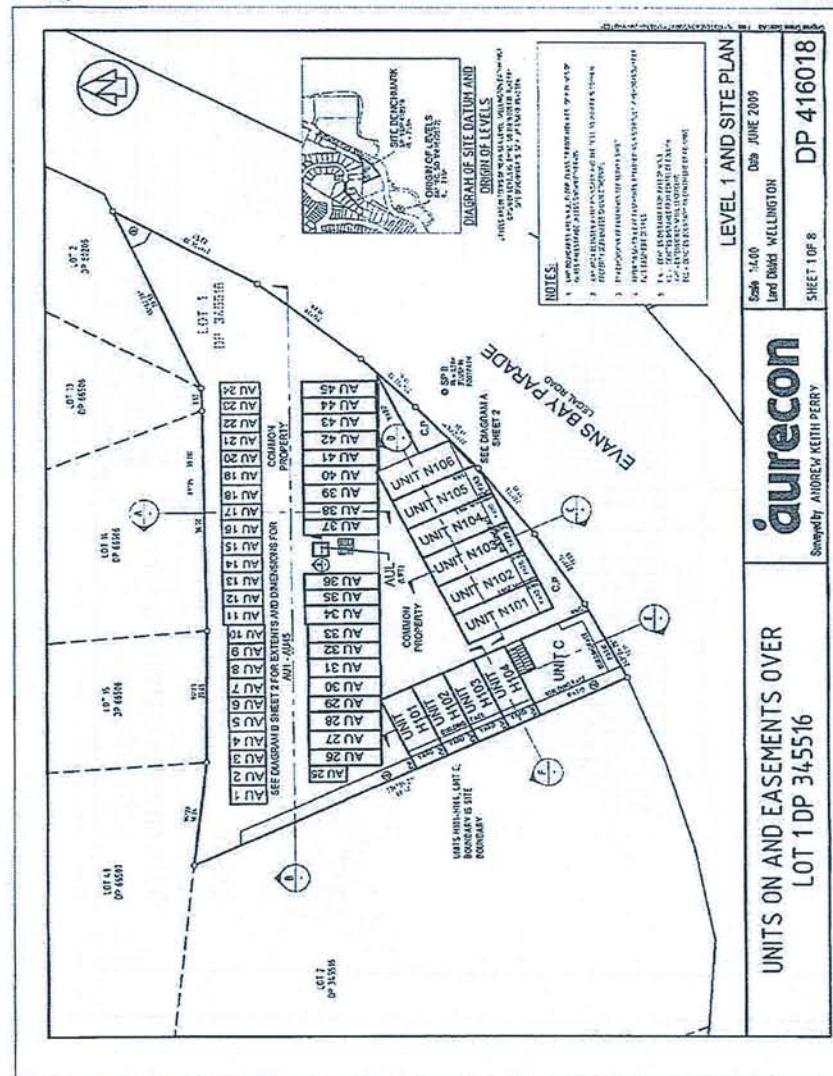
Subject to a right (in gross) to convey electricity over parts marked A and B on DP 416018 in favour of Wellington
Electricity Lines Limited created by Easement Instrument 8247113.5 - 13.10.2009 at 12:25 pm

The easements created by Easement Instrument 8247113.5 are subject to Section 243 (a) Resource Management Act 1991
8355338.1 Change of rules of the Body Corporate - 25.11.2009 at 3:49 pm

Identifier 480192

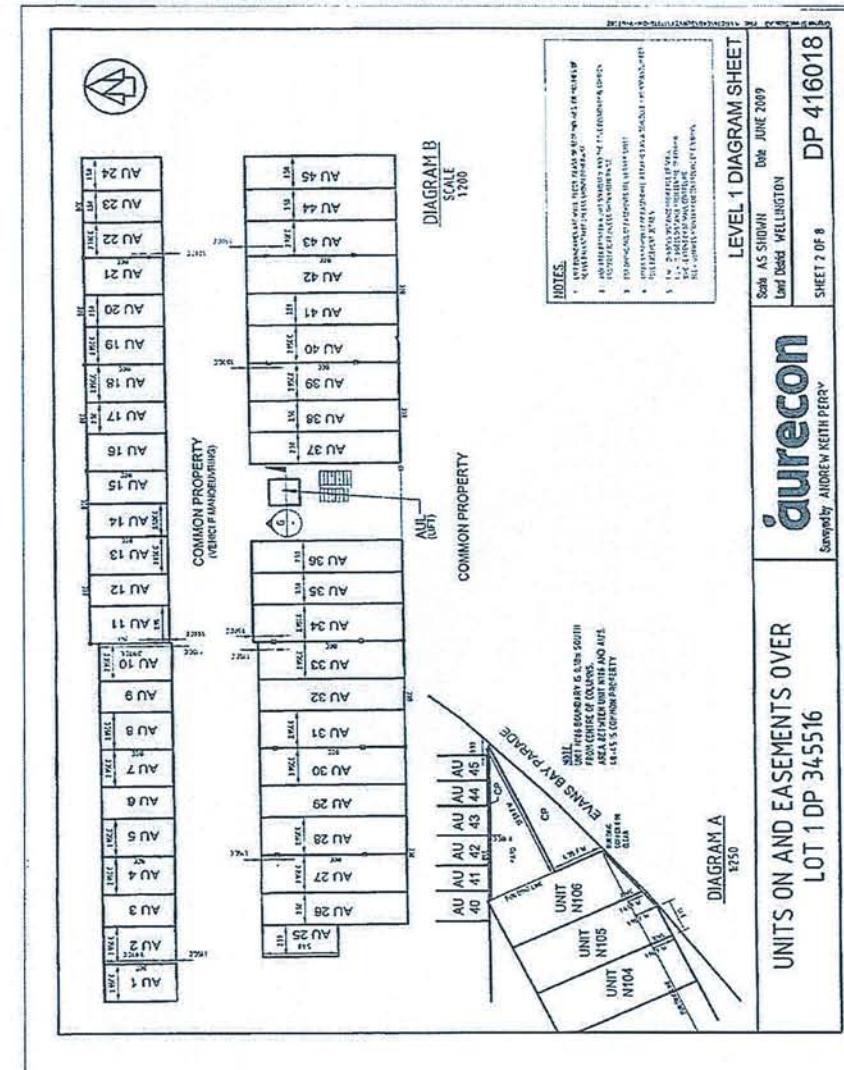
8781300.1 Change of address of the Body Corporate - 30.6.2011 at 2:28 pm

9256316.1 Notice of change of body corporate operational rules pursuant to Section 106 Unit Titles Act 2010 - 30.11.2012 at 4:52 pm



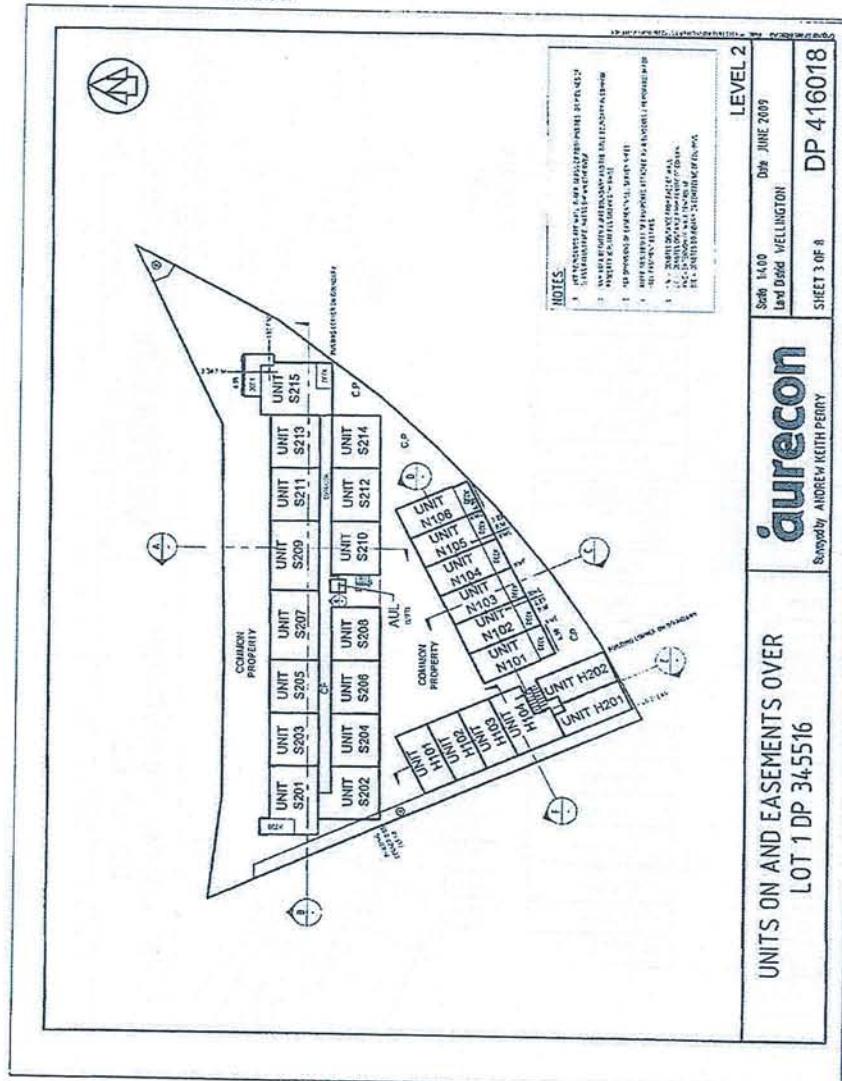
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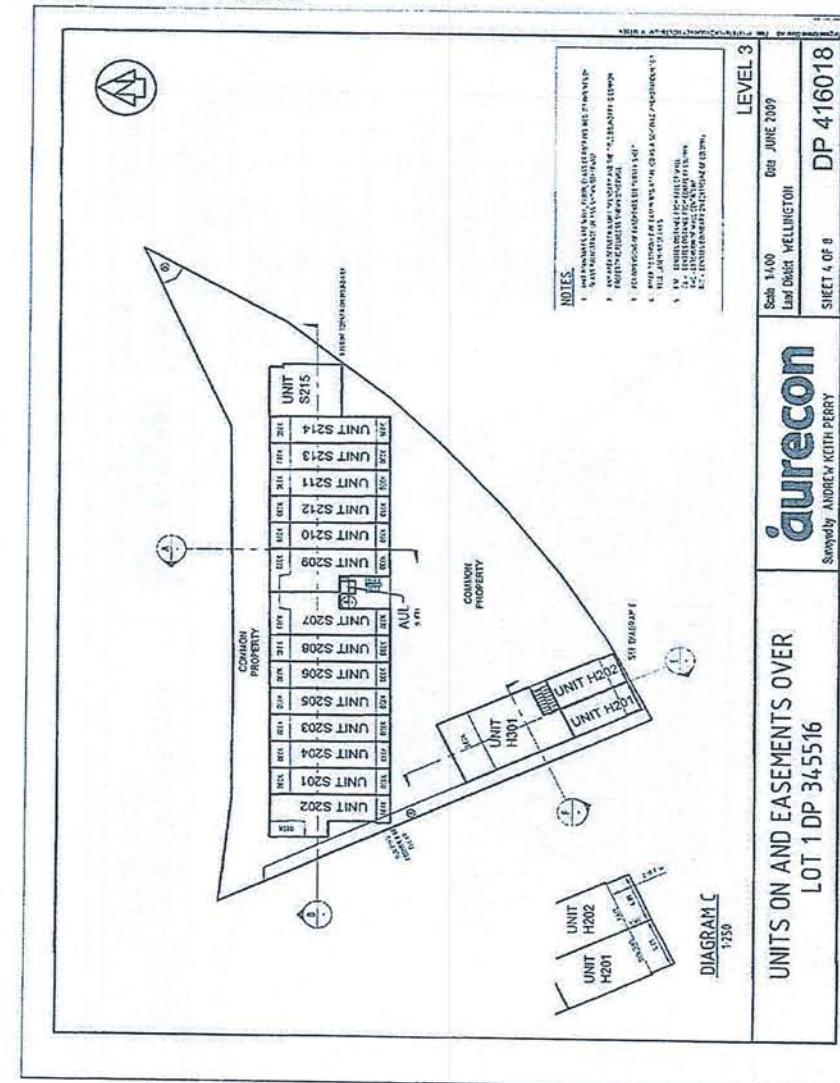
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Transaction Id
Client Reference GLE970/1

Guaranteed Search Copy Dated 8/22/11 11:17 am - Page 6 of 6

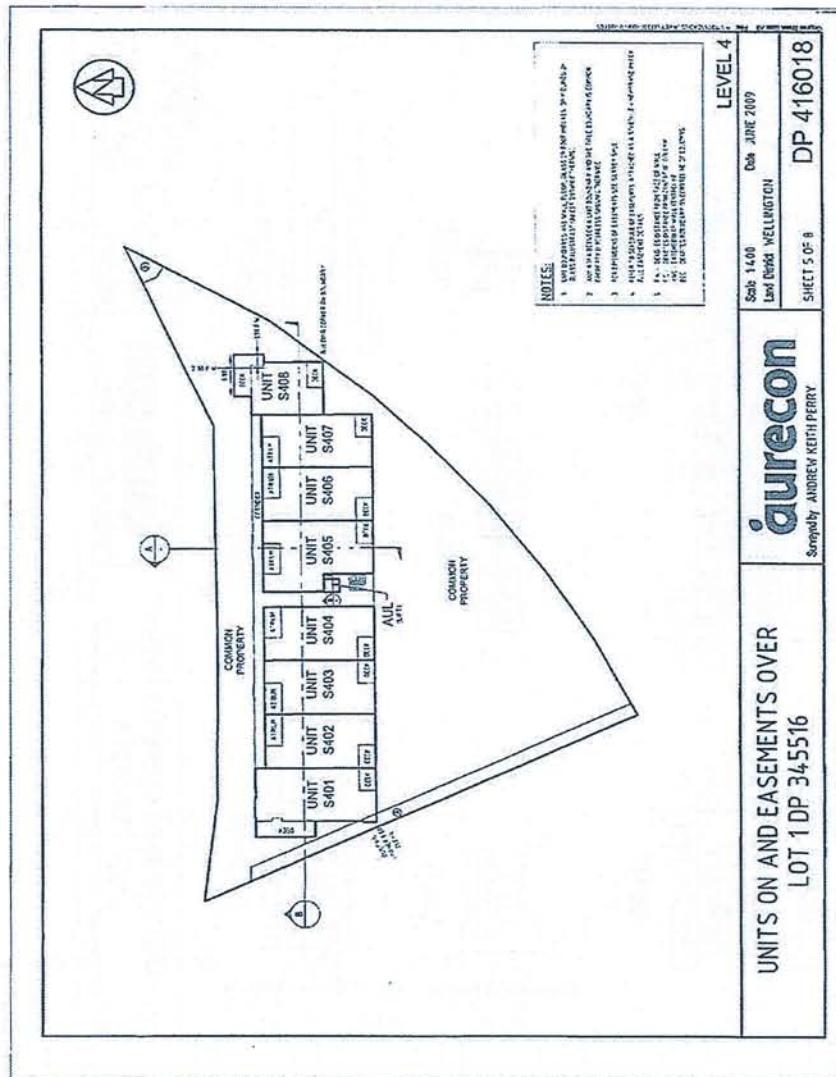
[Register Online](#)

Transaction Id

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Register Only

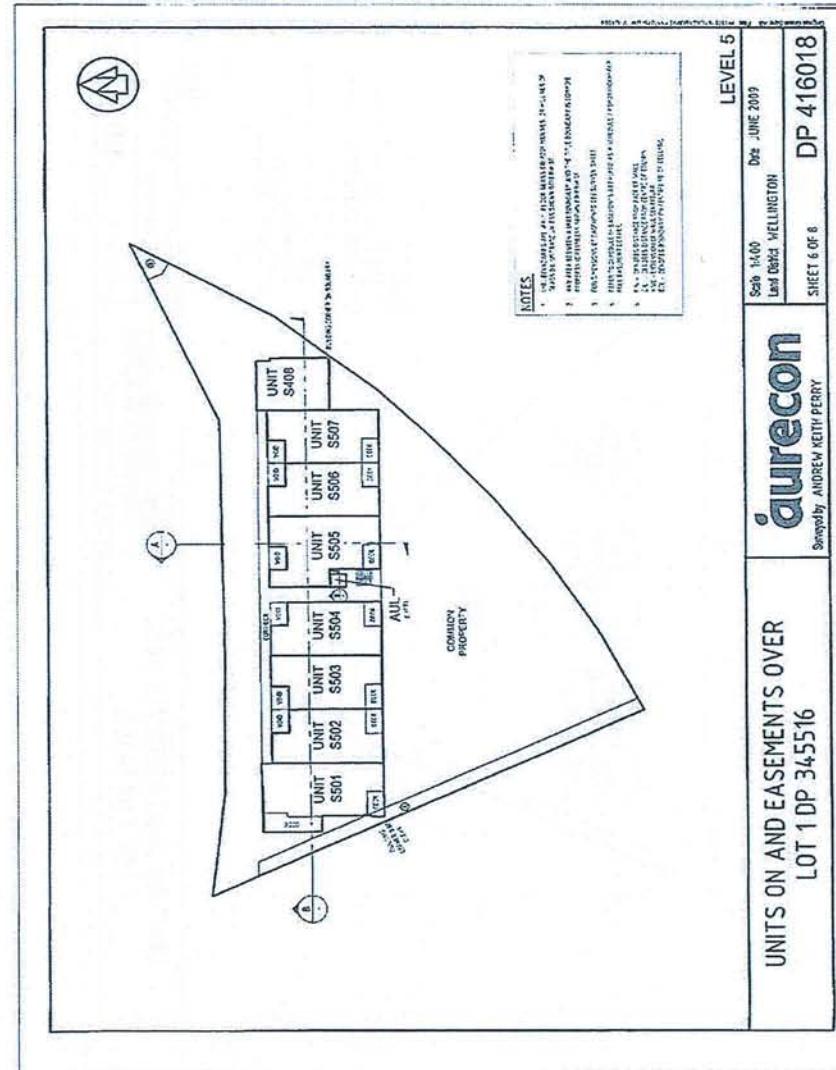
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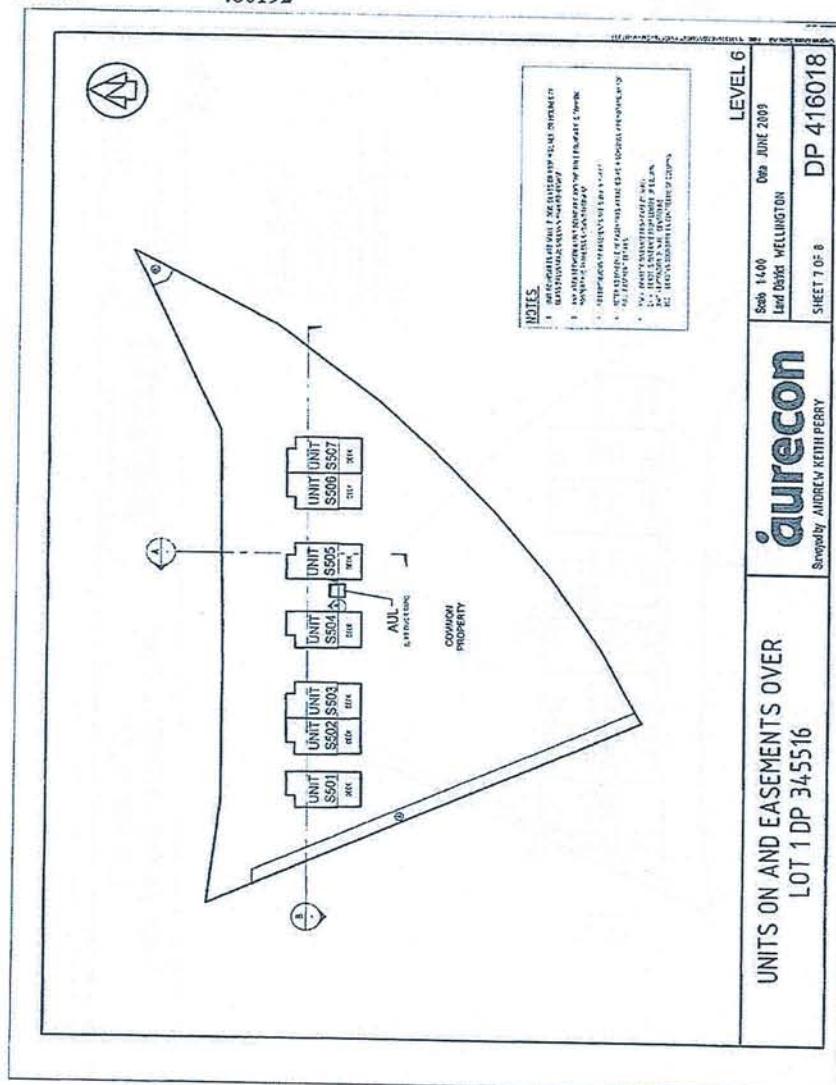
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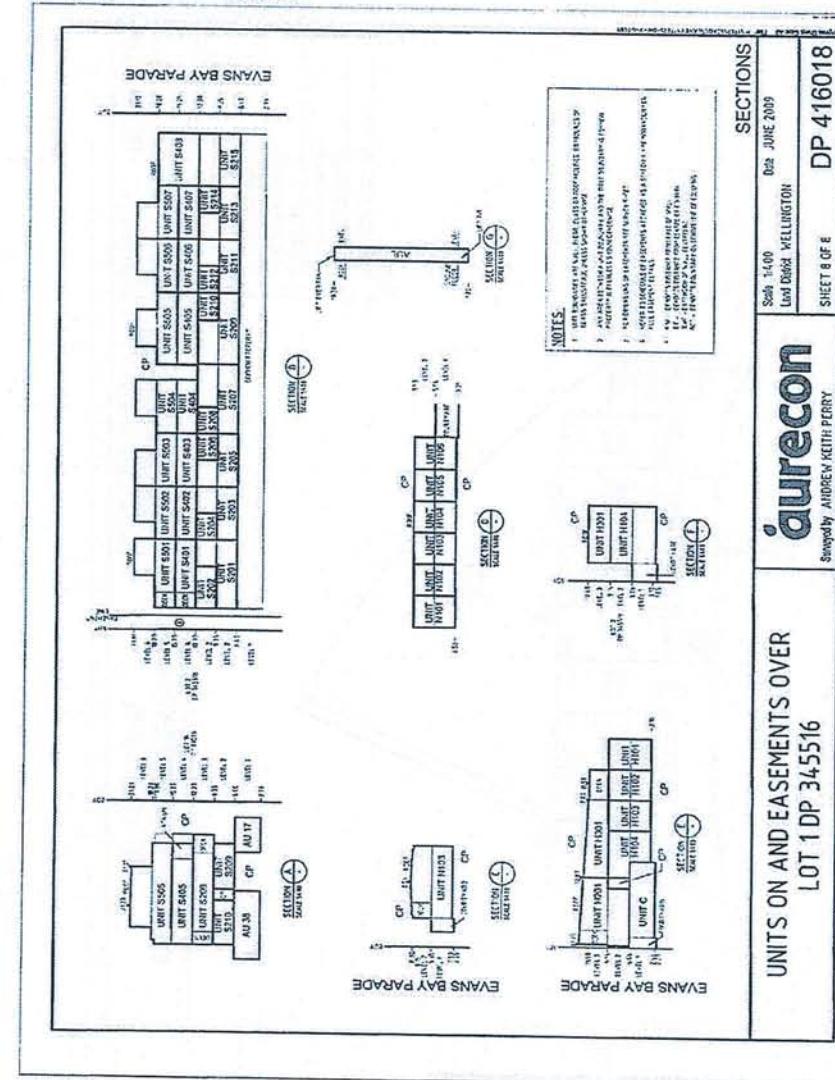
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48019



Transaction Id

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Register Only

Transaction Id
Client Reference GLF920

Guaranteed Search Copy Dated 8/09/14 11:17 am, Page 10 of 12

INVOICE ATTACHMENTS

Wellington City Council, 101 Wakefield Street, PO Box 2199, Wellington, Phone 499 4444



Tax Invoice

GST Number 53-204-635

Helen Glengarry
25 Ellice Street
Mt Victoria
Wellington 6011

Date: 11-Sep-14
Reference: TW 315358 - 1
Land Information Memorandum

Property Address
326 Evans Bay Parade, Hataitai

Fees Payable

Description	Reference	Fee	GST	Total
LIM Application Fee	Report	\$281.30	\$42.20	\$323.50
Total		\$281.30	\$42.20	\$323.50

The Council's Terms and Conditions for Supply of Goods and Services require that you pay all invoices by the 20th day of the month following the date it is issued. If payment is not made by that time, you will be liable for:
- interest calculated daily at a rate of 15% pa on the overdue Invoice amount,
- an administrative fee of either 10% of the overdue Invoice amount or \$300 (whichever is less), and
- all costs and expenses incurred by the Council in seeking to recover the overdue Invoice amount.

Payment Advice

Please return this section with your payment

Helen Glengarry
25 Ellice Street
Mt Victoria
Wellington 6011

WELLINGTON CITY COUNCIL
PO BOX 2199 WELLINGTON

11-Sep-14

Reference:	TW 315358 - 1 Land Information Memorandum	
Amount Due:	\$323.50	
AMOUNT PAID:	PLEASE COMPLETE	

Payment can be made by:
- Cheque to WCC with TW reference number noted
- Direct Credit to a/c 060582 01 06111 00 with ref. no. noted
- EFTPOS, Credit Cards or Cash at Council Offices.