

Proposed District Plan Hearings – **LEGAL EVIDENCE** - due by 9am 27 May 2024

Submissions 365 and 366 - Hearing Stream 12A

Patrick Thomas Campbell and Elvere Nina Mooney



For AUDREY BENBROOK – Development Planning Administrator

LEGAL EVIDENCE - HEARING STREAM 12A

Please see attached:

1. Summary of two requests (1 page).
2. Email from Land Information NZ (request 1789936) dated 20 May 2022 confirming “spatial records clearly indicate that 6 York Street and 34 Commercial Road are clearly two separate parcels with two different titles. Please refer to the diagram below. This appears to be a council issue not a LINZ issue, therefore please contact the council. Please note that the plan attached to CB294/239 is the plan that defined these boundaries and there has not been any newer plans defining these boundaries, therefore the correct plan is attached to the title.” (1 page).
3. Copy of plan as provided by LINZ (1 page)
4. Copies of 3 relevant Certificates of Title (6 pages in total)

Thank you

Patrick Campbell and Elvere Mooney

*Regards*  
*Enn Mooney*  
*23/5/24*

PROPOSED DISTRICT PLAN - HEARING STREAM 12A

SUBMISSIONS 365 AND 366 – PATRICK THOMAS CAMPBELL AND EVERE NINA MOONEY

**FOR LEGAL CLARIFICATION BY SOLICITORS ACTING FOR WAIMAKARIRI DISTRICT COUNCIL**

**Item 1 - REINSTATEMENT OF CERTIFICATE OF TITLE CB262/222 ON PROPOSED DISTRICT PLAN**

**Background:**

Patrick Thomas Campbell and Elvere Nina Mooney own 3 properties in Oxford as per titles attached, and Plan as provided by Land Information New Zealand:

- Certificate of Title CB487/9 – 15 Perth Street
- Certificate of Title CB262/222 – 6 York Street
- Certificate of Title CB294/239 (Lots 1 and 2) – 34 Commercial Road

On the Proposed District Plan titles CB262/222 and CB294/239 have been merged into one large lot.

The cadastral boundaries of CT262/222 have been erased in the Proposed District Plan.

**Request:**

That the Proposed District Plan be amended to include the correct cadastral boundaries of Certificate of Title CB262/222 – 6 York Street.

**Item 2 – CONFIRMATION ON OWNERSHIP STATUS OF THE SEGMENT OF COMMERCIAL ROAD WHICH DIVIDES LOT 1 AND LOT 2 OF CERTIFICATE OF TITLE CB294/239 – 34 COMMERCIAL ROAD**

**Background:**

34 Commercial Road (Certificate of Title CB294/239) contains 2.8442 ha, and comprises:

- Lot 1 on the northern side of Commercial Road, containing 4844 sq metres
- Lot 2 on the southern side of Commercial Road, containing 2.3598 ha

A segment of Commercial Road dissects Lot 1 and Lot 2.

There is no Roding Encumbrance on the title.

**Request:**

- a) That the Council Solicitors confirm ownership status of the segment of Commercial Road that dissects Lot 1 and Lot 2 of Certificate of Title CB294/239, i.e. is this Council land, or private land, given that there is no roading encumbrance on the title.
- b) That the Council Solicitors provide guidance and/or directions to the Waimakariri District Council on the next steps, if any, that should be taken to remedy this situation.

Gmail - Fwd: 6 York Street Oxford (email #3 of 3)

**To:** "elviemooney@me.com" <elviemooney@me.com>

Hi Elvie,

Thank you for your request. Our spatial records clearly indicate that that 6 York Street and 34 Commercial Road, are clearly two separate parcels with two different titles. Please refer to the diagram below. This appears to be a council issue not a LINZ issue, therefore please contact the council.

Please note that the plan attached to CB294/239 is the plan that defined these boundaries and there has not been any newer plans defining these boundaries, therefore the correct plan is attached to the title.



Regards

**Margaret Moody**

**Property Rights Analyst-Survey**

Property Rights

[mmoody@linz.govt.nz](mailto:mmoody@linz.govt.nz) | DDI 03 7410891

Days of work: Mon-Tues, Thurs-Fri.

15 Perth St



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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier**                      **CB487/9**  
**Land Registration District**   **Canterbury**  
**Date Issued**                      13 March 1945

**Prior References**  
CB262/223

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**Estate**                      Fee Simple  
**Area**                      6493 square metres more or less  
**Legal Description**      Part Rural Section 1750

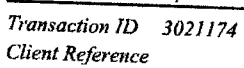
**Registered Owners**

Elvere Nina Mooney as to a 1/2 share  
Patrick Thomas Campbell as to a 1/2 share

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**Interests**

5920220.3 Mortgage to (now) Westpac New Zealand Limited - 4.3.2004 at 9:00 am  
6413674.1 Variation of Mortgage 5920220.3 - 10.5.2005 at 9:00 am  
6551757.1 Variation of Mortgage 5920220.3 - 30.8.2005 at 9:00 am



6 York St



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



  
R.W. Muir  
Registrar-General  
of Land

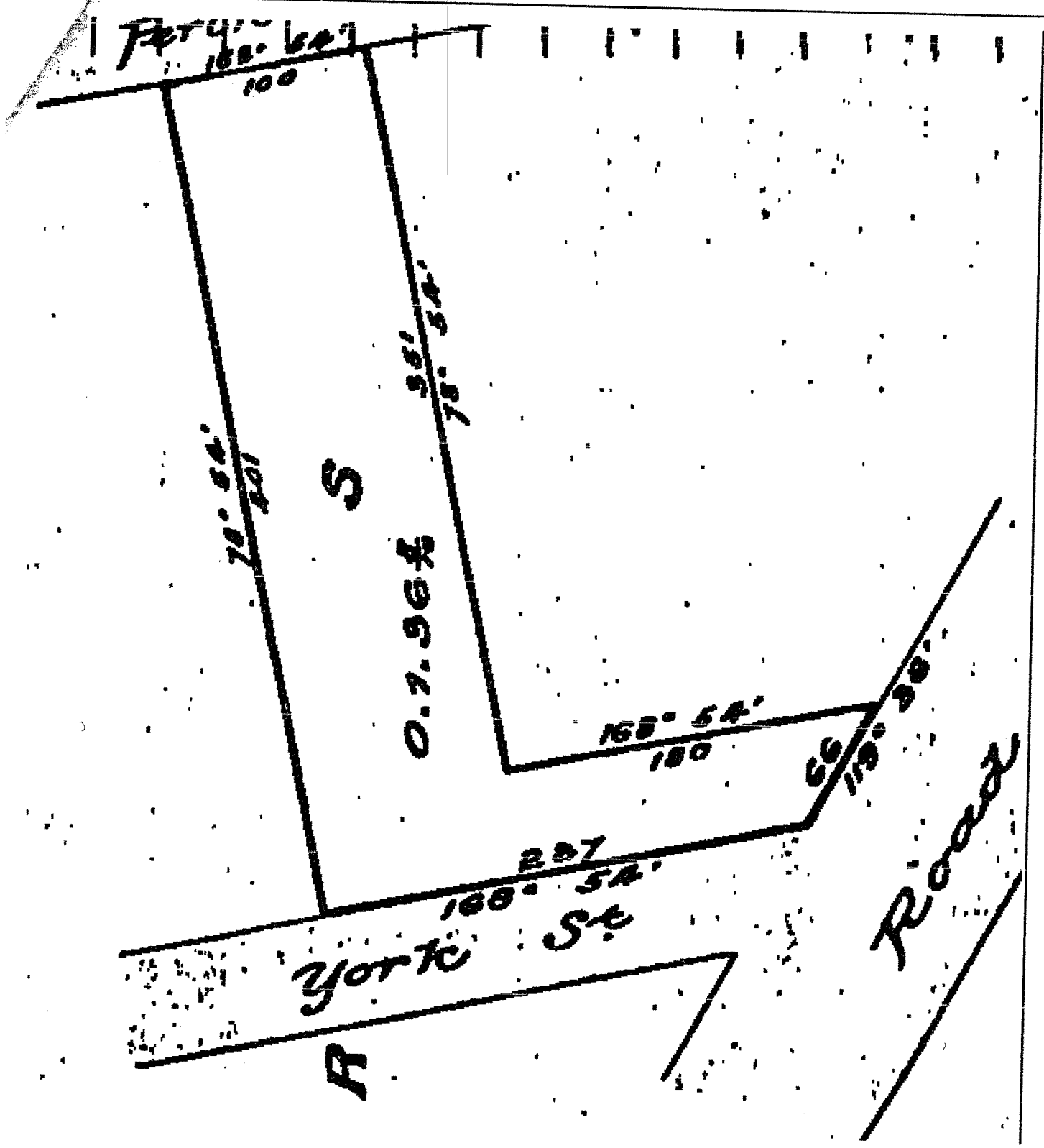
**Identifier**                    **CB262/222**  
**Land Registration District**   **Canterbury**  
**Date Issued**                    14 February 1911

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**Estate**                    Fee Simple  
**Area**                    1942 square metres more or less  
**Legal Description**    Part Rural Section 1750  
**Registered Owners**  
Elvere Nina Mooney as to a 1/2 share  
Patrick Thomas Campbell as to a 1/2 share

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**Interests**  
5920220.3 Mortgage to (now) Westpac New Zealand Limited - 4.3.2004 at 9:00 am  
6413674.1 Variation of Mortgage 5920220.3 - 10.5.2005 at 9:00 am  
6551757.1 Variation of Mortgage 5920220.3 - 30.8.2005 at 9:00 am





34 Commercial Rd



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

**Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier**                      **CB294/239**  
**Land Registration District**   **Canterbury**  
**Date Issued**                      12 March 1915

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**Estate**                      Fee Simple  
**Area**                      2.8442 hectares more or less  
**Legal Description**      Lot 1-2 Deposited Plan 4212

**Registered Owners**

Elvere Nina Mooney as to a 1/2 share  
Patrick Thomas Campbell as to a 1/2 share

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**Interests**

6134846.2 Mortgage to (now) Westpac New Zealand Limited - 2.9.2004 at 9:00 am  
6552099.1 Variation of Mortgage 6134846.2 - 30.8.2005 at 9:00 am

Transaction ID 3021294  
Client Reference

Search Copy Dated 06/05/24 8:11 am, Page 2 of 2  
Register Only

DEPARTMENT OF LANDS AND SURVEY, NEW ZEALAND.  
FOR SURVEYS UNDER THE LAND TRANSFER ACT.

DP 4212

CB294/239

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