

PHILIP CONWAY SURVEYOR ^{Ltd}

Surveying, Land Development, Resource Management

Please quote in reference to this
correspondence

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INFORMATION SHEET

Building Line Restrictions

Building line restrictions were imposed when older subdivisions (pre 1991) were approved with underwidth roads, ie under 66ft wide, to allow for future road widening. This was a statutory requirement at the time under the Counties Act 1946, Local Government Act 1979 & others.

Building Line Restrictions (BLR) were a tool widely used prior to the advent of District Schemes/Plans to require the setting back of buildings from road and future road boundaries. The BLR would specify that buildings were not allowed to be sited within a certain distance from the centre line of the road or within a certain distance from the road boundary. A BLR would be registered against every allotment in a street, or one side of the street or against every allotment on a new subdivision. The titles were memorialised stating that the BLR was a certain distance from the centre line of the road or from the boundary. Commonly the BLR was 33ft from the centreline, if the road was 33ft wide, thus allowing for a future full width road of 66ft.

The District Schemes/Plans introduced the front yard or front set-back provisions which simplified matters by doing away with the continual requirement to register a new BLR at the Land Registry Office everytime a new subdivision created a new road.

The cancellation or re-imposition of a BLR was mandatory on all subdivisions until the introduction of the Resource Management Act 1991. Purchasers of a property with a BLR registered against the Title will often request the Council to cancel the restriction in order to "clean up the title" and remove the BLR. As the BLR is superseded by the Council's District Plans, the Council has no valid reason to decline a request to cancel the BLR.

The BLR is no longer enforceable for the purposes of road widening as any road for widening must be designated or the proposed widening negotiated with the owner. If a building consent is applied for on a property with a BLR the setback imposed by the BLR is not considered and the provisions of the Transitional & Proposed Plan will determine the building setback.

As BLR has no effect it is redundant and if the owner of land requires the memorial removed from the title a Council resolution is required cancelling the BLR. The processing of a cancellation of a BLR is carried out by the Councils Subdivision Consent team, approx processing time is 10 working days and fees of \$180 (CCC fees as at 24 July 2002).

Please seek appropriate professional advice for all land related transactions.

Regards



Philip Conway
Registered Surveyor

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