



Property Update

Tawa to Pukerua Bay

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Essential buyer information

Title and Solicitor Approval Clauses in Agreements for Sale and Purchase

A purchaser needed to submit an offer on a tight deadline without first speaking to their solicitor. They were confident they were protected by including a solicitor's approval clause covering both the agreement and the title. They understood that these clauses meant their solicitor could review everything after signing and that they then had the right to cancel later if they changed their mind and/or were not happy with the solicitor's review advice.

When the title search came back, the purchaser was unhappy to discover the property had a shared right of way. They were concerned about future inconvenience and ongoing maintenance costs, so they instructed their solicitor to cancel the agreement on the basis that the title had not been approved.

Unfortunately, this is where the misunderstanding of the use of a solicitor's approval clause became costly.

The shared right of way was not a legal defect in the title. As the solicitor had no legal basis to withhold approval, the purchaser was unable to cancel and remained bound to proceed with the purchase.

Solicitor's approval clauses often give purchasers a false sense of security. Many purchasers believe these clauses allow them to walk away for any reason until they learn,

usually the hard way, just how limited that protection really is.

Solicitor's Approval of Agreement

This type of solicitor's approval clause allows the purchaser's solicitor to review and approve the agreement.

However, case law shows that this power is limited.

A solicitor may only withhold approval of the agreement based on the legal implications of the transaction.

This includes matters such as:

- whether the agreement is legally valid.
- whether its terms are enforceable; and
- whether the legal obligations imposed on the purchaser are appropriate.

It is important to note that a solicitor cannot use this clause to:

- give general financial advice.
- assess whether the purchase is a "good deal", or
- decide whether the property is a wise or suitable investment for the purchaser.

Solicitor's Approval of Title Clause

This type of clause usually states that the purchaser's solicitor will search, review and approve the title within a specific timeframe.

However, the solicitor's right to withhold approval is limited. The agreement can only be cancelled if the title contains a legal defect,

not simply because the purchaser is unhappy with what the review of the title revealed.

What Is Not a Defective Title?

A title is not defective simply because it contains features that a purchaser may find undesirable.

Examples of matters that are not legal defects of title include:

- the existence of multiple rights of way or easements.
- noise, dust, or traffic caused using an easement.
- future maintenance costs associated with an easement.
- the cost of providing services such as water access; or
- consent notices that impose ongoing obligations or expenses.

These matters relate to the quality or use of the land, not the legal ability of the vendor to sell it.

A title approval clause should be worded so that it is the purchaser who is approving the title rather than the solicitor, as this provides stronger rights to cancel for reasons such as the above.

Conclusion

Solicitor approval clauses are not a general "get out of jail free" card. Their purpose is to protect purchasers from legal defects and implications.

We recommend if you have any concerns about including a solicitor's approval clause, that you seek legal advice before entering into any agreement.

Therese Greenlees, Registered Legal Executive, Rainey Collins Lawyers <https://www.raineycollins.co.nz/>

Teens encouraged to engage more with KiwiSaver

Westpac NZ is encouraging teens to engage more with KiwiSaver, with new data from the bank showing only 31% of its 16- and 17-year-old KiwiSaver members contributed to their fund over the past year, and just 20% received employer contributions.

While not all teenagers this age will be working, Andrew Twidle, CEO BTNZ, Westpac NZ's KiwiSaver fund provider, says it's never too early to start thinking about getting started with KiwiSaver.

"If you're entering the workforce, even in a part-time capacity, starting to make KiwiSaver contributions is a good foundation for saving for the future. Retirement will obviously feel a long way off for teenagers, but buying a first home may be a future goal for many of them."

From 1 April, employers will be required to contribute to the funds of all 16- and 17-year-olds who are themselves contributing. Previously, this was only required for members aged 18 and over.

However, under-18s won't automatically be enrolled in KiwiSaver – they'll need to apply directly to a scheme of their choice and get an approval signature from a parent or guardian.

This year is also the first time that 16- and 17-year-olds will be eligible to receive the Government contribution of 25 cents for every \$1 personally contributed to a maximum of \$260.72. This means any KiwiSaver member who has contributed \$1,042.86 between 1 July 2025 and 30 June 2026 will receive the full \$260.72.*

<https://www.westpac.co.nz/about-us/media/westpac-nz-encourages-teens-to-engage-more-with-kiwisaver/>

Ray White

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Recent Tawa to Kapiti Residential Property Sales

Street	Area	Beds	Floor m²	Sold	RV
Waitaria Terrace	Aotea	4	221	\$1,380,000	\$1,300,000
John Burke Drive	Aotea	3	228	\$1,320,000	\$1,290,000
Aoraki Rise	Aotea	4	263	\$1,428,000	\$1,440,000
Rotorua Grove	Aotea	4	282	\$1,645,000	\$1,900,000
Aotea Drive	Aotea	4	230	\$1,225,000	\$1,190,000
Baxters Rise	Aotea	6	338	\$1,980,000	\$1,670,000
Queen Charlotte Drive	Aotea	4	233	\$1,415,218	\$1,350,000
Aspiring Terrace	Aotea	4	202	\$1,066,000	\$1,120,000
Te Puia Drive	Aotea	3	209	\$1,060,000	\$1,140,000
Sievers Grove	Cannons Creek	3	91	\$551,490	\$620,000
Dorset Grove	Cannons Creek	4	131	\$690,000	\$540,000
Kaitawa Road	Hautere	4	307	\$1,700,000	\$1,860,000
Angus Way	Nikau Valley	4	234	\$1,230,000	\$1,210,000
Maui Pomare Road	Nikau Valley	4	260	\$1,300,000	\$1,190,000
The Drive	Otaihanga	4	231	\$1,495,000	\$1,480,000
Raukawa Street	Otaki	3	110	\$585,000	\$630,000
Te Harawira Street	Otaki	3	136	\$815,000	\$870,000
Te Rauparaha Street	Otaki	3	115	\$637,000	\$620,000
Waerenga Road	Otaki	2	110	\$479,000	\$530,000
Bell Street	Otaki	4	180	\$670,000	\$680,000
Te Manuao Road	Otaki	3	118	\$730,000	\$820,000
Main Highway	Otaki	3	112	\$600,000	\$560,000
Karaka Street	Otaki Beach	4	240	\$795,000	\$790,000
Robert McKeen Street	Otaki Beach	3	123	\$640,000	\$590,000
Clarkes Crescent	Paekakariki	3	120	\$840,000	\$840,000
Eskdale Road	Papakowhai	4	140	\$860,900	\$870,000
Cassley Crescent	Papakowhai	3	130	\$790,000	\$820,000
Kinnel Grove	Papakowhai	4	200	\$970,000	\$910,000
Eskdale Road	Papakowhai	5	250	\$1,032,000	\$1,020,000
Redwood Close	Paraparaumu	2	65	\$538,000	\$490,000
Marere Avenue	Paraparaumu	2	130	\$590,000	\$550,000
Redwood Close	Paraparaumu	2	65	\$545,000	\$490,000
Kaitawa Crescent	Paraparaumu	3	124	\$815,000	\$670,000
Buckley Grove	Paraparaumu	3	102	\$570,500	\$520,000
Aorangi Road	Paraparaumu	3	107	\$685,000	\$700,000
Arawhata Road	Paraparaumu	2	120	\$645,000	\$640,000
Palmer Court	Paraparaumu	3	72	\$550,000	\$520,000
Anikia Court	Paraparaumu	3	118	\$675,000	\$630,000
St James Court	Paraparaumu	5	263	\$923,000	\$790,000
Arawhata Road	Paraparaumu	2	110	\$635,000	\$630,000
Campbell Avenue	Paraparaumu	3	110	\$711,450	\$660,000
Trieste Way	Paraparaumu	2	71	\$650,000	\$700,000
Jade Lane	Paraparaumu	3	170	\$835,000	\$850,000
Marine Parade	Paraparaumu	3	190	\$970,000	\$1,180,000
Watson Drive	Paraparaumu	4	150	\$855,000	\$700,000
Guildford Drive	Paraparaumu	3	212	\$876,230	\$920,000
Regent Drive	Paraparaumu	4	210	\$1,240,000	\$1,100,000
Teoti Street	Paraparaumu	2	110	\$580,000	\$500,000
Olive Terrace	Paraparaumu	3	90	\$662,000	\$550,000
San Priamo Place	Paraparaumu	3	123	\$830,000	\$700,000
Manly Street	Paraparaumu	4	150	\$905,000	\$980,000
Donovan Road	Paraparaumu	4	210	\$880,000	\$820,000
Gray Avenue	Paraparaumu	4	152	\$675,000	\$650,000
Kahu Road	Paremata	4	240	\$1,165,000	\$1,010,000
Kahu Road	Paremata	3	190	\$910,000	\$950,000
Paremata Crescent	Paremata	3	190	\$736,000	\$950,000
Bayview Road	Paremata	4	220	\$1,105,000	\$1,080,000
Acheron Road	Paremata	2	140	\$580,000	\$580,000
Paremata Drive	Paremata	3	160	\$910,000	\$890,000
Seaview Road	Paremata	5	260	\$1,400,000	\$1,300,000
Paremata Road	Paremata	5	430	\$1,900,000	\$1,880,000
Paetawa Road	Peka Peka	2	150	\$700,000	\$1,070,000
Paetawa Road	Peka Peka	4	354	\$2,250,000	\$1,620,000
The Track	Plimmerton	4	270	\$910,000	\$1,050,000
Motuhara Road	Plimmerton	4	230	\$1,326,000	\$1,330,000
Mungavin Avenue	Ranui	3	100	\$435,000	\$590,000
Jackson Terrace	Ranui	2	50	\$330,000	\$355,000
Huia Road	Raumati Beach	3	123	\$880,000	\$820,000
Kiwi Road	Raumati Beach	3	80	\$790,000	\$710,000
Rata Road	Raumati Beach	5	220	\$960,000	\$1,000,000

Street	Area	Beds	Floor m²	Sold	RV
Kohutuhutu Road	Raumati Beach	2	90	\$700,000	\$720,000
Manawa Avenue	Raumati Beach	4	141	\$820,000	\$740,000
Rimu Road	Raumati Beach	4	130	\$819,000	\$700,000
Alexander Road	Raumati Beach	2	90	\$750,000	\$730,000
Glen Road	Raumati South	2	114	\$620,000	\$720,000
The Esplanade	Raumati South	5	314	\$2,139,000	\$1,870,000
Forest Road	Raumati South	3	100	\$770,000	\$700,000
Rosetta Road	Raumati South	3	171	\$860,000	\$1,340,000
Tawa Terrace	Tawa	4	262	\$1,232,232	\$1,170,000
Florio Terrace	Tawa	4	180	\$814,000	\$880,000
Larsen Crescent	Tawa	5	300	\$1,435,000	\$2,200,000
Mayfair Place	Tawa	2	168	\$550,000	\$740,000
Fyvie Avenue	Tawa	4	190	\$829,000	\$790,000
Surrey Street	Tawa	3	115	\$730,000	\$720,000
Rawson Street	Tawa	3	140	\$900,000	\$820,000
Main Road	Tawa	2	70	\$470,201	\$520,000
Larsen Crescent	Tawa	4	120	\$495,000	\$630,000
Ngatitoa Street	Tawa	4	190	\$940,000	\$900,000
Woodman Drive	Tawa	4	244	\$1,261,000	\$1,255,000
Larsen Crescent	Tawa	2	94	\$715,200	\$640,000
Larsen Crescent	Tawa	4	160	\$970,000	\$850,000
Piko Street	Titahi Bay	3	112	\$637,500	\$640,000
Parata Street	Waikanae	2	100	\$620,000	\$560,000
Winara Avenue	Waikanae	3	184	\$825,000	\$890,000
Ngaio Road	Waikanae	3	140	\$700,000	\$700,000
Te Moana Road	Waikanae	3	260	\$1,400,000	\$1,760,000
Belvedere Avenue	Waikanae	3	200	\$732,500	\$820,000
Ngarara Road	Waikanae	3	216	\$1,050,000	\$1,230,000
Kohekohe Road	Waikanae	4	320	\$2,050,000	\$1,680,000
Ngarara Road	Waikanae	3	190	\$780,000	\$830,000
Puriri Road	Waikanae	4	120	\$736,000	\$640,000
Mahia Lane	Waikanae	4	168	\$990,000	\$960,000
Tui Crescent	Waikanae	4	260	\$924,000	\$770,000
Kotare Street	Waikanae	2	160	\$755,000	\$720,000
Kotare Street	Waikanae	3	169	\$1,270,000	\$1,180,000
Cranbrook Grove	Waikanae	3	170	\$855,500	\$830,000
Kotare Street	Waikanae	3	173	\$733,000	\$770,000
Leybourne Avenue	Waikanae	3	200	\$1,000,000	\$870,000
Nga Koru Place	Waikanae	3	151	\$1,015,000	\$1,000,000
Kereru Street	Waikanae	2	180	\$862,000	\$780,000
Hona Street	Waikanae	3	110	\$880,000	\$990,000
Campion Road	Waikanae	4	220	\$980,000	\$820,000
Freyberg Crescent	Waikanae	2	160	\$805,000	\$750,000
Atua Street	Waikanae	3	110	\$786,000	\$660,000
Te Moana Road	Waikanae	3	110	\$890,000	\$850,000
Kaitawa Street	Waikanae	4	140	\$845,000	\$780,000
Nicholas Place	Waikanae	4	210	\$971,199	\$840,000
Hohiria Street	Waikanae	3	111	\$965,750	\$900,000
Goldie Place	Waikanae	2	95	\$795,000	\$665,000
Sunset Terrace	Waikanae	3	100	\$760,000	\$750,000
Marewa Place	Waikanae	3	199	\$1,010,000	\$1,030,000
James Cook Drive	Whitby	4	210	\$1,030,000	\$950,000
Omapiere Street	Whitby	3	116	\$600,000	\$760,000
Tradewinds Drive	Whitby	3	160	\$1,004,000	\$980,000
Navigation Drive	Whitby	3	180	\$869,000	\$930,000
Navigation Drive	Whitby	4	222	\$1,200,000	\$1,150,000
Cannon Lane	Whitby	4	170	\$815,000	\$800,000
Halyard Place	Whitby	2	90	\$600,000	\$580,000
Ayton Drive	Whitby	4	190	\$815,000	\$860,000
Resolution Drive	Whitby	4	193	\$1,250,000	\$1,150,000
Paremata Road	Whitby	5	466	\$3,650,000	\$3,500,000
Endeavour Drive	Whitby	3	185	\$1,160,000	\$1,160,000
Topsail Way	Whitby	4	246	\$1,310,000	\$1,380,000
Kopua Place	Whitby	3	138	\$720,000	\$820,000
Leeward Drive	Whitby	3	150	\$760,000	\$780,000
The Quarterdeck	Whitby	3	112	\$871,000	\$930,000
Holystone Road	Whitby	3	134	\$830,000	\$900,000
Martingale Drive	Whitby	3	163	\$1,040,000	\$1,000,000
Lakeside Villas	Whitby	2	120	\$860,000	\$810,000

This sampling of recent sales was extracted from data compiled by The Real Estate Institute of NZ and represents sales from all real estate companies in the area and not just Ray White. For privacy purposes no street numbers are published here.